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# Senate

*(Legislative day of Friday, September 22, 2000)*

The Senate met at 3:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, Virginia.

## PRAYER

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

Shall we pray.

We speak to You today, gracious God, as fall colors peak in Washington, DC, and election campaigns peak across the country. While both nature and Government anticipate new seasons, we recognize afresh that You hold nature to Yourself but allow us to govern ourselves. We embrace both processes with grateful hearts.

We ask Your comfort for the pain and grief felt in so many homes on every continent this day. From Norfolk to Israel, from Belfast to equatorial Africa, wherever families weep their losses, we pray that You would wrap Your arms around the hurting and hold them with a grip like all eternity.

In time of bounty as a nation, Lord, never let us forget that we are always needy in spirit. Thank You for calling us to love You with all our heart, all our soul, and all our strength, for it encourages us also to appreciate each other. May that ideal ring true across our great land and be nurtured among the very able and gifted men and women who represent us here.

While we await the outcome of the Presidential campaign, help our Senators to steadfastly execute their responsibilities. May they find grace and peace in the midst of intensity generated by pressured agendas and races for Senate seats. Today in this Chamber may they be granted wisdom beyond their years and grace beyond their differences that through the intensity of debate and decision, the people will benefit.

We ask these things in the Name above every name. Amen.

**NOTICE—OCTOBER 23, 2000**

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Records@Reporters".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

## PLEDGE OF ALLEGIANCE

The Honorable DON NICKLES, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Wyoming.

## SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 5 p.m. today. As a reminder, the Senate is expected to take action on the conference report to accompany the foreign operations appropriations bill as soon as it becomes available. However, votes are not expected to occur during today's session of the Senate. Votes will occur tomorrow and, as usual, Senators will be notified as those votes are scheduled. It is the leadership's intention to complete all business by the end of the week. I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for a period not to exceed beyond the hour of 5 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Wyoming, Mr. THOMAS, or his designee, is recognized to speak for up to 15 minutes. Under the previous order, the Senator from Illinois will be recognized after the Senator from Wyoming.

## CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 964.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 964) entitled ''An Act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

### *TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION*

***SEC. 101. SHORT TITLE.***

*This title may be cited as the ''Cheyenne River Sioux Tribe Equitable Compensation Act''.*

***SEC. 102. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—*

*(A) to promote the general economic development of the United States;*

*(B) to provide for irrigation above Sioux City, Iowa;*

*(C) to protect urban and rural areas from devastating floods of the Missouri River; and*

*(D) for other purposes;*

*(2) the Oahe Dam and Reservoir project—*

*(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;*

*(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and*

*(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;*

*(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—*

*(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and*

*(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);*

*(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the ''Comptroller General'') determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;*

*(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and*

*(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.*

*(b) PURPOSES.—The purposes of this title are as follows:*

*(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).*

*(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.*

***SEC. 103. DEFINITIONS.***

*In this title:*

*(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.*

*(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.*

***SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.***

*(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this title as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this title.*

*(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—*

*(1) $290,722,958; and*

*(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.*

*(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.*

*(d) PAYMENT OF INTEREST TO TRIBE.—*

*(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.*

*(2) PAYMENTS TO TRIBE.—*

*(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.*

*(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).*

*(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).*

*(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).*

*(f) PLAN.—*

*(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').*

*(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—*

*(A) economic development;*

*(B) infrastructure development;*

*(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or*

*(D) any combination of the activities described in subparagraphs (A) through (C).*

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

**SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.**

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

**SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

**SEC. 107. EXTINGUISHMENT OF CLAIMS.**

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

## TITLE II—BOSQUE REDONDO MEMORIAL

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Bosque Redondo Memorial Act''.

**SEC. 202. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the ''Long Walk'';

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

**SEC. 203. DEFINITIONS.**

In this title:

(1) MEMORIAL.—The term ''Memorial'' means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

**SEC. 204. BOSQUE REDONDO MEMORIAL.**

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

**SEC. 205. CONSTRUCTION OF MEMORIAL.**

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

**SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

## TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

**SEC. 301. SENSE OF THE CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are Federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7000 memorials in 50 States.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

## TITLE IV—CONVEYANCE OF KINIKLIK VILLAGE

### SEC. 401. CONVEYANCE OF KINIKLIK VILLAGE.

(a) That portion of the property identified in United States Survey Number 628, Tract A, containing 0.34 acres and Tract B containing 0.63 acres located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less, and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628 shall be offered for a period of 1 year for sale by quitclaim deed from the United States by and through the Forest Service to Chugach Alaska Corporation under the following terms:

(1) Chugach Alaska Corporation shall pay consideration in the amount of $9,000.00.

(2) In order to protect the historic values for which the Forest Service acquired the land, Chugach Alaska Corporation shall agree to and the conveyance shall contain the same reservations required by 43 CFR 2653.5(a) and 2653.11(b) for protection of historic and cemetery sites conveyed to a Regional Corporation pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act.

(b) Notwithstanding any other provision of law, the Forest Service shall deposit the proceeds from the sale to the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102–154 and may be expended without further appropriation in accordance with Public Law 102–229.

## TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

### SEC. 501. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Richmond National Battlefield Park Act of 2000''.

(b) DEFINITIONS.—In this title:

(1) BATTLEFIELD PARK.—The term ''battlefield park'' means the Richmond National Battlefield Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

### SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the City of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.–

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the City of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the City of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the City of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the City of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the City of Richmond, Virginia.

### SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the City of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled ''Richmond National Battlefield Park Boundary Revision'', numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)).

### SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the City of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the City of Richmond for use as a visitor center for the battlefield park.

### SEC. 505. PARK ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the City of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans,

*land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.*

***SEC. 506. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as are necessary to carry out this title.*

***SEC. 507. REPEAL OF SUPERSEDED LAW.***

*The Act of March 2, 1936 (chapter 113; 16 U.S.C. 423j–423l) is repealed.*

***TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM***

***SEC. 601. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.***

*Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.*

***SEC. 602. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.***

*(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.*

*(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—*

*(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;*

*(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;*

*(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;*

*(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or*

*(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.*

*(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.*

*(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.*

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOSING THE SESSION

Mr. REID. Mr. President, both the Senator from Wyoming and I are gratified that the Senator from Oklahoma is presiding today. We certainly look forward to closing this session.

From the minority's perspective, we are ready to vote as soon as possible. We know how Senator STEVENS has worked very hard to wrap up these final three appropriations bills. We hope it can be done expeditiously.

In recognition of the fact that once we agree on what the final plan is going to be, it usually takes a day or so to understand, that people need that time to read the bill and to make sure that final legislation is what we want, I hope tomorrow can be a full, complete day. We look forward to moving on a day-by-day basis with 24-hour continuing resolutions. The only way we are going to get out of here is to continue working. I hope if we don't make the Friday deadline, as the Senator from Wyoming indicated, which I hope we can do, that we will continue working through the weekend until we finish with the election on the national level and the State level only 2 weeks from now.

What we are doing here doesn't seem to be getting a lot of attention anyway, with all the problems around the world, the Presidential election, Middle East problems. It seems to me it would be to everyone's benefit to try to resolve some of the outstanding issues which are important at this stage only to Members who serve in Congress. I hope that is wrong, but it appears that is the case.

I repeat, for the third time today, the minority is willing and able to do whatever is possible to move these bills along to finality.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

## COMPLETING THE WORK OF THE 106TH CONGRESS

Mr. THOMAS. Mr. President, I, too, am anxious that we complete the work we have before us. We still have three important appropriations bills to put together. I hope we can deal with respect to the issues and move away from some of what has happened, where we have sought, in some cases, to make an issue more than to reach a solution.

In fairness to the Congress and to our associates, since Labor Day there has been a substantial amount of progress made. I will review some of it to assure you that we have been doing some very helpful and useful work.

For example, repeal of the telephone excise tax: This was a tax that was implemented during the Spanish-American War on telephones. I suspect it had exhausted itself by this time and finally was repealed.

The Safe Drug Reimportation Act, which, of course, is a part of a solution to pharmaceutical costs: In the case of Canada, for example, pharmaceuticals that are exported there are under price controls by the Government and therefore are less expensive than they are in the United States. This authorizes those drugs to be reimported and hopefully to be resold at a price less than what we have had in the United States. One of the issues is to ensure that those drugs are indeed bona fide and are indeed safe and will be the kinds of drugs that we would receive absent the reimportation.

Permanent normal trade relations with China: An interesting issue, one that is sometimes thought to be a big gift for China. The fact is, in terms of our trade with China, the restrictions they have had against our goods have been much greater than the restrictions we have had against theirs; in agriculture, for example, a 40-percent tariff on beef.

If this is implemented, we will have a reduction in the barriers for us to be shipping goods to China. We have had a good deal of discussion in some campaigns about trade and whether or not the effects of trade are valuable to the United States. Of course, about 40 percent of agricultural products are sold overseas. Obviously, those markets are very important to us, but we need to ensure that it is done as fairly as can be and that we are treated well in this exchange. That, of course, is the reason for organizations such as WTO.

Legislation on H–1B visas was passed which allows for more high-tech people to enter this country to take jobs we are not able to fill. I think one of the very important things that goes with that is it emphasizes and funds some additional training for students in this country so that rather than hiring foreign people to fill these jobs, we will also be training people here to be hired for those jobs. I think that is terribly important.

We have done some things with the Children's Health Act; for instance, the Cancer Prevention Treatment Act, which is one bill that is particularly important to me. My wife is very involved in the Race For A Cure and doing things as to breast cancer.

The Rural Schools and Communities Health Determination Act is one that I think is very important. The real issue we have had on education in this Chamber has not been the amount of money the Federal Government spends but, rather, how it can be spent, and one of the obstacles has been that this administration has insisted that as the Federal money goes out, there are certain things tied to it that are required to be done. We on this side of the aisle have said, yes, we want to strengthen education, but we believe local educators, school boards, and State school departments should have the authority

to make those kinds of decisions. Certainly, the needs in Wyoming are different from those in New York. So we certainly needed to do that, and we have indeed done that.

The Violence Against Women Act was an act we passed again so that it stays in effect, which is one of the most important aspects. We have done some things with the Water Resource Development Act, which is still in play but has been passed through this Congress. It has water development projects in it, the emphasis being on the Everglades. A good deal of authorization money is made available to the Everglades, which is one of our very important ecological activities.

NASA authorization and DOD authorization are continued, and we have done the Interior appropriations, which took into account some of the discussion involved with the CARA Act, but it didn't make it in defined spending—not with 15 years of mandatory spending, but it did provide additional funds for activities such as stateside parks and maintenance of Federal parks.

It was kind of disappointing to me when we received the budget from the administration. I happen to be chairman of the Parks Subcommittee. Despite our acknowledgment of the need for infrastructure for parks, the budget provided more money for acquisition of new parks than for the maintenance of the parks we have now. So we need to make sure we deal with those issues.

We have had energy and water and Treasury-Postal.

My point is that we have done a great deal this year. Of course, there are always many more things to do. The issues that probably have dominated more time than anything are the issues that most people are concerned about, such as education. We talked about education for 5 weeks here this year. I have already indicated the different view. I was disappointed, frankly, in the way that progressed. We could have resolved that long ago. But the difference in view was on who has control of the spending, and it really was held up more as an issue for this election. That is too bad. I think we have a substantial amount of that taking place.

Social Security: It is interesting that Social Security now becomes one of the prime issues in the election—and indeed it should be. It is something that is extremely important to most everyone, of course. The proposal out there would ensure that those receiving benefits now would continue to receive them and those close to receiving benefits would have no change. But when you take a long look at Social Security, it is clear that unless something is done over time, then young people, such as these pages, who will pay taxes in their first paycheck, probably will not be able to line up for benefits. A change must be made.

It is interesting that that is one of the Presidential issues talked about the most. But during the past 8 years, really nothing has been done about it by this administration. That is interesting. The options, of course, are to do nothing or to try to make changes. One of the changes could be to increase taxes. That is not a very popular proposal. Reducing benefits is equally unpopular.

We can take a portion of those dollars and let them be in the account of people for themselves, let them invest it in the private sector and raise the return from about 2 percent to whatever it would be in the market, which would be substantially more than 2 percent. It is too bad that hasn't been changed. We have talked about keeping all the money there, and we are determined to do that. I think we have had five or six votes on a lockbox. All of that has been turned down because it seemed to be more important at that point to make an issue rather than find a solution.

We have had a good deal of discussion over a Patients' Bill of Rights, of course. We have had it before a conference committee. The Presiding Officer is a leader in that, and he has worked very hard to find a solution. But really, it turns on a relatively singular issue, and that is, where do you go with your appeal? Some would like to go directly to court. Others of us would like to see in the interim a professional medical person be able to make those choices, and make them quickly, rather than the trial lawyers. So that has been a difficult issue.

Tax relief is something that, of course, is very important to all people. I find a lot of folks in Wyoming who are very interested in the repeal of the estate tax because we have lots of farms, ranches, and small businesses which people have spent their lives developing. The estate tax comes along and pretty well wipes out the profits they have made on efforts that have already been taxed. We passed that measure and the marriage penalty repeal. The marriage penalty clearly needed to be repealed. It provided that two people, singly, on the same salary, paid less taxes than they would if they were married. That isn't right. These, of course, were both vetoed by the President. So we didn't solve those issues. They are still there to be considered.

So I think in many ways we have had a very successful session. The amount of activity by the Congress is not always the measurement of success. I am one who believes there ought to be a limited role in the Federal Government and that that role is reasonably well defined, of course, in the Constitution. This is a United States of America. The implication, and I believe the better purpose, was for a limited role of the Federal Government. Obviously, there are things that are very appropriate—not only appropriate, but necessary—for the Federal Government to do.

On the other hand, I find as I move around in my State more and more people are saying, wait a minute, there are a lot of things here the Federal Government is involved in that it need not be involved. This economy that we have, which has been good to us over the last 12, 13 years, is a result of people being able to do things for themselves in the private sector, being able to have more of their own money to invest, using their initiative to compete.

So I think we ought to really examine in each of our minds what we think the role of the Federal Government ought to be and where we want to be over a period of time with respect to the division of power among the Federal Government, State governments, local governments and, most of all, of individuals. And then, as we move forward through all these programs, we ought to measure those things against that goal and see if, indeed, they are the kinds of things that contribute to the attainment of the way we see it.

Are there different views about that? Of course. There are people who believe the Federal Government should be involved in many things, and we have seen over the last decade sort of a turn to the Federal Government on most every issue that arises. We have found that the Federal Government is not the best place to resolve many things.

I don't mean to be in opposition to better government; certainly the role of defense; no one else can do that; interstate types of things we have to do; research we have to do. But there is a measure of balance that we should have.

I am hopeful as we complete this year and move into another cycle after this year that we can take time to really evaluate where we want to go and where we want to be when it is over.

I look forward to a very productive week. I, too, hope we are able to put together our packages and over the period of the next 3 days come to some conclusions. I hope we can basically try to stay within the spending limits that we have set for ourselves. The fact that we have a surplus seems to be an incentive to spend more money for whatever is there. And obviously we have to take a look at all kinds of issues. But we ought to really take a look at that surplus. Where does it belong? It seems to me that the surplus very clearly needs to be set aside. The money that goes to Social Security ought to be left in Social Security.

I think we have to certainly fund adequately those things that we determine are legitimate activities of the Federal Government. I think then we ought to really address ourselves to paying down the debt. I hope we will take a look at paying down the debt the way all of us take a look at home mortgages, and say we have—whatever it is—$3 trillion of publicly held debt that we want to pay off. Let's set it up to pay it off in 15 years. It takes so much every year, and that is part of budgeting. If we just say we will pay it off whenever we get a good opportunity, it never happens. I hope we can continue that effort.

Finally, there is, hopefully, money left from that surplus. That ought to go back to the people who paid it. We ought not to be asking taxpayers to pay in more money than really is necessary to perform the functions of government. It ought to be spent in the private sector so we can continue this fairly prosperous society.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ELIZABETH HANAHAN OLIVER

Mr. BYRD. Mr. President, Elizabeth Hanahan Oliver was born in Rocky Mount, NC and grew up in Washington, DC where she graduated from George Washington University.

''Beth'' Shotwell, as she was known during much of the time that she worked on Capitol Hill, began her employment in the office of Representative Horace R. Kornegay of North Carolina in the early 1960's. She then joined the staff of Senator Mike Mansfield, later becoming Chief Clerk of the Democratic Policy Committee. She served in that post through the terms of three Democratic Majority Leaders, Senator Mansfield, myself, and Senator George Mitchell. After her marriage to G. Scott Shotwell ended in divorce, she married former Secretary of the Senate, Francis R. ''Frank'' Valeo, in 1985.

In 1989, after 27 years of service to the Congress, Beth Shotwell retired. This year on September 22, she passed away at her home in Chevy Chase, Maryland. She had been battling cancer for several years.

''Beth'' Shotwell Valeo was an excellent employee of the Senate. She was a dependable, reliable asset to the members of this body. Her staff loved her and worked hard under her direction. ''Beth'' relished her work and she revered the Senate.

She was probably proudest of her contribution to the Commission on the Operation of the Senate, and the efficiency that the recommendations of that Commission brought to this institution. Beth also had a large hand in computerizing the compilation of members' voting records, an innovation which has helped Members and staff immeasurably.

On the personal side, Beth was a lover of life with varied interests and a curious intellect. She appreciated music. She liked to needlepoint. She often rescued homeless animals. What a noble person. She enjoyed boating. She liked scuba diving, and she delighted in travel.

I shall always remember her as a tall, attractive woman, who seemed disciplined, polite, and very dedicated to her work in the Senate. In her life and in her work she was the best of the best. I was shocked and saddened to hear of her passing at far too young an age. My wife and I extend our deepest condolences to her daughters Rebecca and Abigail, her two sisters Abbie Smith and Ann Duskin, her brother Skip Oliver, Jr. of Fairfax Station, and her husband Frank.

In this autumn time of falling leaves, some words from Robert Frost come to mind:

> Nature's first green is gold,
> Her hardest hue to hold.
> Her early leaf's a flower;
> But only so an hour.
> Then leaf subsides to leaf.
> So Eden sank to grief,
> So dawn goes down to day.
> Nothing gold can stay.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes. The Senate is in morning business.

## CREDIBILITY IN THE PRESIDENTIAL RACE AND SOCIAL SECURITY

Mr. DORGAN. Mr. President, I wish to comment today on this issue of credibility with respect to the Presidential race in our country. I know there has been a lot of discussion about credibility on one side or another. I wish to talk about the issue of credibility with respect to Social Security.

Some while ago, Governor Bush of Texas, who is running for President, suggested we should take about $1 trillion—about one-sixth of the tax moneys that are coming into the Social Security system—and invest it in private individual accounts in the stock market.

On May 30th, Senator SCHUMER and I were joined by twenty of our colleagues in sending a letter to Governor Bush asking how that added up and how he would replace the $1 trillion that would be a shortfall in the Social Security trust fund used to pay the Social Security benefits of those who are retired. We have not yet received a reply in the intervening months. And the Presidential debates did nothing to illuminate what might or might not be on the mind of the Governor with respect to that $1 trillion.

But this is not a case of double-entry bookkeeping, as understood by politicians, where you can use the same money twice. You cannot use the same money twice. If you take $1 trillion—or one-sixth of the tax money that would go into the Social Security trust fund—and say, we are going to take that money and invest it in private accounts in the stock market, then you have $1 trillion less in the Social Security trust fund with which to pay benefits for those who are retired. The question is, How do you make up that difference?

A great many studies have been done on this issue. Let me cite one. Last week, a distinguished group of Social Security experts—one of my favorites, Henry Aaron, at the Brookings Institution, who I think is a remarkable and wonderful economist, Alan Blinder, Alicia Munnell, and Peter Orszag—released an update to their report about what this plan would mean of diverting Social Security trust fund money into private accounts.

They point out that it could very well mean less in Social Security benefits for those who have the private accounts later, and that some $1 trillion in the Social Security system, that would be expected to be available, would no longer be available because that $1 trillion was moved.

There is an interesting comment from Governor Bush about this proposal. This is not a question of whether he proposes to do this. He says:

> . . . and one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollars —a trillion dollars out of that $2.4 trillion surplus.

So he says he is going to take $1 trillion out of the Social Security trust fund and use that to establish private accounts for current workers.

Now, Allan Sloan had an article in today's Washington Post which I thought was interesting. He said:

> If you ever wanted living proof of what a fool you would be to entrust your personal financial fate—or the nation's—to the stock market, you sure got it last week. On Wednesday the Dow plummeted more than 400 points before you could finish your first cup of coffee.

He said:

> Sorry to disappoint you, but if you're looking for rationality, don't look at the stock market. At least not on a day-to-day basis. And don't look to the markets to bail out the Social Security ''trust fund'' or to make everyone in the United States rich.

He says:

> If we put a big chunk of the Social Security trust fund into stocks, as many people suggest, the national budget will be hostage to short-term stock movements.

Aside from the issue of the credibility of saying to our senior citizens, ''It is going to be in the Social Security trust fund'' and then saying to the younger workers, ''I will take the same $1 trillion and allow you to have private accounts in the stock market with it''—aside from the credibility of having $1 trillion that is missing and no one forcing Governor Bush to answer the questions: What are you going to do with the $1 trillion? What is it going to be? How are you going to fill a hole that exists in Social Security if you take the $1 trillion and allow private accounts to be invested in the stock

market?—aside from that question, which I think is very important, the other point is this: If you look at 20-year periods in this country, there have been 108 20-year periods in which one can calculate a rate of return on a dollar invested in U.S. securities. In six of those periods, the return was less than 2 percent; and in only eight of those periods, the return was 11 percent or more.

The point is, instead of having a Social Security plan that provides some security of income when you retire, you might find—with Governor Bush's plan, assuming that the $1 trillion was made up someplace, assuming you did not have a $1 trillion hole, which now exists in the Governor's proposal—you might still find yourself having retired and having private accounts in your name and having much less money than you ever expected or ever would have received under the Social Security system because you don't retire on an average date, you retire on an actual date. You retire on a specific day. Who knows what the stock market is going to be doing in that particular period. It is not the case, as economists have demonstrated, that there will always be good news for everyone with respect to these private accounts.

But let me, again, go back to the central question: What about the $1 trillion? If someone in this Chamber said they would like to take $1 trillion out of this trust fund and use it for something else, logically someone would stand on the floor of the Senate and say, but if you are going to take it out of this trust fund and use it for something else, what are you going to do for this trust fund where the money is needed? That is the logical question to ask Governor Bush. And we did. And there has been no answer. Because the $1 trillion will be gone from the trust fund. He knows it. We know it.

So if there is a question of credibility on these issues, it seems to me it would be wise to at least question the credibility of someone who wants to take $1 trillion out of the Social Security trust fund and use it for private accounts and then say: Oh, by the way, it all adds up. It does not add up.

I went to a high school with only nine seniors in my senior class. We did not necessarily take advanced mathematics, but we took enough math to understand how to add these numbers. We did not discuss ''trillions'' in my school, but we discussed it enough to understand that if you take one-something here and move it over here, it is gone in the first location.

Politics, apparently, these days does not require one to reconcile; it does not require one to add and subtract in a traditional way. I think the American people will want to know the consequences of that. You cannot do both. You cannot promise that which you promised to senior citizens for their retirement and then say: By the way, that money is going to be promised to workers for private accounts in the stock market under your name. You cannot promise both. To those who do so, I would say, retake your accounting exam, and remember double-entry bookkeeping does not mean you can use the same money twice. That's a pretty simple lesson, it seems to me, for political dialog in this country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDIA CONCENTRATION FOLLOWING PASSAGE OF THE TELECOMMUNICATIONS ACT

Mr. DORGAN. Mr. President, in 1996, the Congress passed the Telecommunications Act. I was involved in the passage of that act. I served on the Commerce Committee, and we wrote the first rewrite of the telecommunications law in some 60 years.

One of the contentious areas in that debate was the ownership limits on television and radio stations. The ownership limits on television and radio stations in this country were established over the years because we wanted to promote localism in radio and television stations, local ownership, local control, so that people living in an area would have some notion that those who were distributing information over their television and radio stations would have some idea of local responsibility.

It is interesting what has happened since 1996. When we had that debate in 1996, the Commerce Committee took all the limits off radio stations. You could own as many as you want. They took the limits that existed on television stations and increased it.

I authored an amendment on the floor of the Senate to change what happened inside the Commerce Committee. I offered an amendment saying I didn't think that was the right way to go. We didn't need bigger ownership groups owning the radio and television stations. The amendment would have restored the ownership limits on television stations in this country.

We had a rollcall vote, and I won with Senator Dole leading the opposition. It was a surprise to everyone, but I won. Then a Senator on the other side asked for permission to change his vote. He changed his vote because he wanted it to be reconsidered at some point. That was at 4 o'clock in the afternoon. And then dinner intervened. About 7 or 8 o'clock that evening, as I recall, they asked for reconsideration of the vote, and four or five Members of the Senate had some sort of epiphany over the dinner hour and discovered their earlier vote was wrong and they really had to change their vote, so I lost.

I understand how things work here. I understand what happened over the dinner hour. People didn't have bandages and visibly broken arms, but clearly pressure was applied because over a period of 3 or 4 hours people changed their votes, and I lost. We have no ownership national limits on radio stations, and the ownership limits on television stations have been dramatically relaxed. The number of television stations you could own has increased.

Let me show a chart on radio stations. In 1996, we had the top 10 companies in this country owning roughly 400 radio stations. Clear Channel had 57 stations. This total was about 400 radio stations for the top 10 companies. Let me show you what this looks like today on this chart. These are the top 10. Between them, they now own well over 2,000 radio stations. Clear Channel owns over a thousand by itself following its merger with AM/FM. I won't go through the rest of them. You can see what is happening—a massive concentration. They are buying up radio stations all over the country.

In 1996, Clear Channel wasn't in North Dakota. Now they own numerous stations in the State. In Minot, ND, a former broadcaster called me and said: Do you know what is happening? They own all the radio stations except the two religious ones. I said: How could that be?

It was approved because the Minot service area was considered the same as the service area with Bismarck because their signals overlap. Therefore, it was one market and in a community like Minot, with 40,000 people, one company can essentially own all the radio stations.

The question is: What do they do with those? What kind of localism exists when you have a company whose headquarters is somewhere else controlling a thousand radio stations? Does that matter? It sure does to me. It ought to matter to the Senate. How about television stations?

On this chart, the yellow bar represents the situation in 1996 when we passed the Telecommunications Act. For example, the number of stations Paxson had was 11, and now Paxson has 60 as the red bar indicates. That doesn't describe, incidentally, the management alliances that existed. It is much more aggressive than this chart indicates.

In television and radio stations, we are galloping toward concentrated ownership in a very significant way. I think this Congress ought to ask itself: Is this what we intend? Is this what we want to have happen? Don't we want local ownership in this country with radio and television stations? Do people in our communities not have a voice in what is broadcast on their radio stations? Does their voice have to extend to a city 2,000 miles away where the owner of their radio station resides?

I think the Congress ought to have a good discussion about that. Where does

it end? Do we end up with several companies owning almost all the radio stations? In one of our largest cities, two companies will bill over 80 percent of all the billing from radio stations—two companies. Is that competition? I don't think so.

I raise the question because I intend to meet with the FCC and send them a letter and meet with others. I don't mean to be pejorative with Clear Channel. I've never met with them, but they are the largest group in radio ownership. They were approved for the merger with AM/FM. They have well over a thousand stations. Where does this end? Is it good for this country to demolish the notion of localism in broadcasting? I don't think so. I don't think it is good for television or radio. These are public airwaves and they attach to it, in my judgment, the responsibility of certain kinds of public good that must be presented by broadcasters when they accept the responsibility of using the airwaves.

So I raise that question today, and I intend to visit with the National Association of Broadcasters, and especially with the Federal Communications Commission, to ask them if this is really what was intended, is this what Congress wants, and is it something that we think marches in the right direction? Frankly, I don't think so. I hope we can discuss this as we turn the corner next year and talk about public policy and whether we think concentration of radio and television stations is something that should alarm all of us. I believe it should.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I ask unanimous consent to speak for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SOCIAL SECURITY

Mr. CRAIG. Mr. President, my colleague from North Dakota has just left the floor. I was off the floor for a few moments, but I know he talked about the Presidential campaign and the proposal by the Governor from Texas to reform Social Security, especially for the young people of our country as it relates to their future participation in it and the amount of money they will ultimately pay into it versus that which they get out.

I thought I would come to the floor for a few moments to share with the Senate several experiences I have had over the last couple of years dealing with Social Security. About a year ago, I did a series of town meetings across my State called senior-to-senior. I invited high school seniors and senior citizens to come together in the same place to talk about Social Security.

Every time you go to a high school, one of the top two or three questions asked is about Social Security. Now, my guess is that the average American would not believe a senior in high school would be that interested in Social Security. But they have probably heard their mom or dad saying you really ought to not plan on Social Security; it is certainly not going to be there when you get to be your grandparents' age. That has been a fairly standard refrain across America for the last decade. Why? Why would parents of today suggest to their young people not to expect to get a Social Security benefit? Largely because they have been told it would go bankrupt, that it would create so much liability that it could never pay for itself.

What I think they failed to recognize is that since the Social Security reforms of the mid-1980s, Social Security has been building a reserve trust fund and we are taking in more than we are paying out. But sometime in the near future—sometime in the future of the Senator from Idaho and the Senator from North Dakota—when we get to be Social Security age along with other baby boomers, there is going to be a peak of Social Security liability, or Social Security obligation. It will be some $7 trillion-plus. That is a fact. We know that.

But we also know that the seniors of today and immediately tomorrow, at least for the next decade or two, are well protected because of the reforms we made in that system in the mid-1980s and the very dramatic tax increases that workers and employers have paid since that time. Social Security is strong today. But we didn't do it by cutting benefits very much, we did it by dramatically raising taxes on the working men and women of this country.

If you want to keep this cycle up, if you do not want to make it self-supporting, and if you do not want it to yield what the other annuities and private annuities are yielding, then you keep it up and you say to the young people: You are going to pay in hundreds of thousands of dollars of your wages in taxes, and for every dollar you put in during your lifetime, you are going to get only three quarters back.

Is that being very honest with the young people of America today? They are going to work all of their lives and put all of their money in, and they are going to be taxed at an even higher rate. And in return, even the likelihood of getting back a 5-, 4-, or 3-percent return just isn't going to be there.

Yet you can say to them: If you invest in private investment funds, the average return over the last 100 years invested in the industry of this country is about a 10-percent analyzed rate.

Young people aren't dumb. They are pretty darned bright. With today's Internet and their ability to calculate, to communicate, and to invest independently, they pretty well understand that what their parents are telling them has some truth, makes some sense.

Social Security may be there. But it is not a very good investment unless you are paying for your parents' retirement—or, should I say ''enhanced income,'' because your parents paid for your grandparents. The only problem is that every senior in high school today can expect a 20-percent increase in their taxes over what their parents are paying today, when they get to be their parents' age, to fund the current Social Security system.

That is why Social Security has become a debate issue in this Presidential campaign. And it darned well should be. No responsible Presidential candidate is going to stand out there and say all is well. It is well for the immediate future—for the next decade or two. But for young people today to invest in this system without significant reform in it is not only bad policy, it is bad politics.

But I hope we reside on the side of good policy and ultimately good politics. It tends to go hand in hand.

It has been fascinating for me to watch the debate between Governor Bush and Vice President GORE, with GORE saying Bush is going to bankrupt Social Security and Bush suggesting that what GORE might do would simply increase the system's liability and increase the debt burden on future citizens. Where does the balance lie?

I really believe it is time for this Senate and this Government to investigate the opportunity to take a small piece of Social Security taxes and allow taxpayers to invest them in what we call personal savings accounts.

I always notice when the Senator from North Dakota or others talk about this issue, they only talk about investments in the stock market. But that is not Governor Bush's proposal. It was Bill Clinton who said invest it in the stock market.

What Governor Bush has consistently said for the last month is personal accounts invested somewhat like the Federal retirees have—like the Senator from North Dakota and the Senator from Idaho have, which means they don't invest their individual accounts in individual stocks. They have categories of investment that are high risk, moderate risk, and low risk. Yes, some of that money is invested in the stock market, because that is where you invest money—you invest it in the economy of this country—but some is also invested in private and government bonds and other less risky investments.

We all know the demographics. We will soon have a record number of seniors in this country. What we are suggesting is that, as we shift back and forth, as older people get older and younger people move into the system, that over the next few decades we transform the system; we adjust it. Over that period of time, we can create less dependency on the American taxpayer and as future retirees—if we adjust it properly—increasingly rely on their individualized account. That makes awfully good sense.

Here is what doesn't make good sense to me. When Vice President began to talk about his Social Security proposals—increasing benefits for widows, and increasing benefits for stay-at-home parents by attributing earnings to them while they stay at home—oh, did that sound like good politics in an election year. My guess is it is pretty good politics in an election year. But the question is, Is it good policy for the Social Security system? Does it keep Social Security stable? Does it keep it well funded? Or down the road does Mr. GORE—if he becomes President and long after he has left—create such a liability that the person who will be serving here from Idaho long after I am gone has to say to the young people and wage earners of this country that we are either going to have to cut your benefits or raise your taxes? My guess is that is exactly what is going to happen. Let me for a few moments suggest why.

Everybody wants to help moms and widows, especially during election years. But, Mr. President, let me suggest to you that Social Security is the wrong tool for that job.

The Gore Social Security surplus scheme would fail to provide meaningful assistance to the people they are targeting to aid. Worse, it would increase the Social Security's unfunded liability by almost a third; reduce Social Security trust fund balances by hundreds of billions of dollars; and simply accelerate the cash-flow problem in which Social Security will find itself in the near decades if we don't make reasonable reforms.

Social Security is one of the few Federal programs that already takes stay-at-home parents into account. In the current system, married spouses generally receive about the same Social Security benefits regardless of whether they worked full time, part time, or took a break in child rearing and did not work at all.

For example, in 1996, women who received Social Security benefits based upon their own work record received an average of $675 in benefits while women whose benefits were based on their husbands' work record received $569. What I am saying is women who stayed at home received almost the same benefit.

Let's remember that Social Security is not designed to be the sole source of retirement income. It was designed to be supplemental income, and it should be understood to be just that. Nevertheless, for many seniors, Social Security is their sole source of income. For those seniors, our first priority should be to ensure we don't further endanger the program by adding additional obligations on top of the ones we already cannot afford.

If the Vice President wants to help mothers, why didn't he embrace the tax relief the Senate Marriage Tax Relief Act would have provided? That would have been immediate relief. Instead, his proposal takes a program already under financial stress, and it would put it, in my estimation, at substantially greater financial risk.

What does it cost? Everybody has seen what the Vice President has proposed for Social Security. And yet, while the short-term cost of Governor Bush's proposal has been discussed—there has been a trillion dollar figure floated around—Nobody wants to talk about what the Vice President's plan will cost.

This is what we believe and this is what others believe the Vice President's plan will cost. The Vice President said it would just cost a few billion over the next 10 years. While the Social Security Administration has not estimated the motherhood proposal, economist Henry Aaron offered a seat-of-your-pants estimate in Slate Magazine of about 0.25 percent of taxable wages. That is about $150 billion over the next 10 years. Meanwhile, Vice President's GORE's proposal to increase widow's benefits would constitute about 0.32 percent of taxable wages, according to the report of the 1994 through 1996 Advisory Council on Social Security, Volume 1: ''Findings and Recommendations.'' That translated into about $166 billion over the next 10 years.

Now the Vice President has put a limit on his benefits so it would cost maybe a little bit less than that. The bottom line is, if you spread this concept out over the lifetime of the beneficiary, we truly are talking about these proposals costing trillions of dollars. He doesn't propose to raise taxes. He proposes a finance scheme which simply advances the liability and expands the liability into future generations.

If you are going to raise benefits in Social Security, at least have the political integrity to propose a tax increase to offset the benefits so you don't stress out the trust funds beyond where they currently are and you don't create outyear liabilities.

But then again, how could you be all things to all people and propose this great benefit, if on the backside you looked the worker in the eye and said, ''And now you are going to have to pay for it''?

So, once again, it is a Ponzi scheme. We shift a little around and we move a little over here. Now, the Governor from Texas has different approach. He clearly recognizes that by setting aside a couple of percentage points and allowing them to be invested within a fixed universe of investments, that we begin to build for the future of Social Security by compounding our investment income instead of compounding our liabilities and our debts by adding to the benefit structure.

If we are going to improve the condition of widows and spouses, let's do it in a way that is realistic and honest. If we want to use Social Security as that vehicle, then at least provide a revenue flow that effectively justifies those benefits in the outyears, the several hundreds of billions of dollars that ultimately the motherhood proposal and the proposal that relates to widow's benefits would cost. That is what we ought to be talking about. That is the fair way to do it.

The amount of new liabilities required under the Vice President's proposal is truly staggering. Some economists have suggested it is in the trillions of dollars. A trillion here, a trillion there adds up to be real money. In the past, those involved in public policy—and, more importantly, those involved in the electorial process—said that Social Security is off limits unless you are willing to increase benefits. Don't talk about new taxes, only add to the benefit structure.

Thank goodness, a few years ago Congress stopped that. We reformed Social Security, and we said we are going to leave it alone.

As a result, we stabilized it. We made the tough votes in the mid-1980s. We raised the taxes dramatically on the working men and women of this country—but we stabilized the system. So today, I say don't add benefits to that system unless you are clearly willing to offset those benefits by revenue flows.

The Governor is talking about an idea, a concept that he would work with the Congress of the United States. Recognizing we are in historic surpluses at this moment, there is a unique opportunity to reform the Social Security system so we can go to the young men and women entering the workforce in this country and say, in your lifetime, your Social Security annuity will amount to something very significant instead of getting back just three quarters for every $1 you pay in.

For my parents, Social Security has been a tremendous benefit. For their parents, it was a windfall. For me, it will be about a break even for the amount of money I have invested my lifetime. For my children, unless we reform it as the Governor from Texas has proposed, it will be one very bad investment. I don't want to ask that of my children. Certainly the Senator from North Dakota and I are better thinkers than that. We ought to be able to come together to devise a system that doesn't create outyear liabilities of the kind the Vice President is proposing.

Those are the real issues. Sure, it is worthy of a Presidential debate. That is where it ought to be debated. Clearly, the facts and figures ought to be well established. At the same time, I am pleased there is a candidate out there who isn't willing to live in the shell of the past and the concept of a system that was crafted way back in the 1930s, under a Bismarckian plan that simply said it is going to work because you will never live out its benefit cycle. Thank goodness my parents will live it out. People are living longer.

Because of the demographics of this country today, it is critically important that the Congress develop the political will to reform Social Security,

to establish personal savings accounts underneath a governing body to ensure sound investments and the security of the system. That makes good sense to me. And it sounds, by the numbers out there, it is making even better sense to Americans.

I want my children to have a strong Social Security supplemental income system for them so they receive a healthy return instead of a three quarters for the dollar. That makes good sense. They can do it in the private sector. Why aren't we smart enough to design a plan so we can do it in the public sector?

I yield the floor.

Mr. DORGAN. Mr. President, this, I think, is the debate we ought to have in this country on the subject of Social Security. I am pleased to hear the Senator from Idaho describe the plan proposed by Governor Bush and describe the proposal by Vice President GORE on the issue of Social Security.

If you read history, you will find there are people for the last nearly 70 years who have predicted that Social Security won't work, will go broke, and won't be there when they retire. Decade after decade, people predicted that in every community around this country, especially the small towns of North Dakota.

There are people living better lives because the Social Security Program provided them something called ''security.'' Does it provide for all their needs? No. But it is a bedrock security for their retirement years. They invested in it when they were working and now they have Social Security in their retirement years. The word ''security'' in Social Security is not some accident. People understood that the purpose of Social security is just that—security. It is the economic baseline of retirement, the one means of financial support that Americans can count on.

As I indicated, there are people who, every decade, have said the sky is falling with respect to this program. There are some who never supported this program in the first place. They wouldn't have supported Social Security because philosophically they didn't believe Government ought to do anything, and they didn't support Medicare because philosophically they thought the Government shouldn't do anything.

What would America be like today if we had an aging population without Medicare or Social Security? This country would not be as good a country as it is without those two important programs.

People are living longer and better lives. That has placed some stress on both Social Security and Medicare, but do not let anybody tell anybody else that the problem is that these programs do not work. These programs work and work well. People are growing older and living better lives in this country. This is a problem born of success.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will be happy to yield, of course.

Mr. CRAIG. I know proper procedure, Mr. President, is to ask the question, but it is important to suggest this Senator did not say Social Security does not work. Quite the opposite. I believe it has worked.

What I talked about today is who pays for it because what the Senator from North Dakota is suggesting, I think—and I agree with him, the tremendous benefit that has come, but he has also seen the doubling and the quadrupling of taxes on the working people to pay for that benefit.

I suggest this to the Senator from North Dakota. I think it is important. CBO has just scored the Gore transfers within his plan. They have suggested those transfers are around $40 trillion over the next 54 years. If that is true, 40 trillion bucks would have to flow out of other sources, such as the general fund, because we know the Vice President is not talking about a tax increase. The question is, How do you handle it? Do you create higher Government debt? Do you do direct investments? The Senate voted 99–0 against Government investments.

So the legitimate question in this debate is not whether Social Security has successfully benefitted current and past retirees. The Senator from North Dakota and I just flat agree that it has. Senator DORGAN and I know of too many cases of individual citizens who find that Social Security is almost their sole source of income. Thank goodness it is there. I am talking about is the growing tax burden on our children. We are imposing a 20-percent payroll tax liability on the young working men and women in this country and we have to be extremely cautious.

Mr. DORGAN. Mr. President, I reclaim my time.

Mr. CRAIG. Mr. President, $40 trillion in 54 years. Where do we get it, and how do we handle it?

Mr. DORGAN. I reclaim my time. Mr. President, $40 trillion —I do not know how big the school of the Senator from Idaho was. I assume he did not study a trillion, nor did I. There ought to be rules when one starts talking about trillions of dollars. If you extend it for two centuries, you can probably come up with hundreds and hundreds of trillions of dollars, but it is largely irrelevant.

The issue is this: We have a Social Security program and a Medicare program. Both of them have some funding challenges in the outyears—not next year, not in the next 10 years. For Social Security, it is well beyond the next three decades, but there are challenges.

Why do we have these challenges? This is good news. Let's not grit our teeth and wring our hands and wipe our brow over good news. People are living longer and better lives. Good for them and good for us. This is good news. This is born of success.

If you want to solve the Social Security problem and Medicare problem, go back to the old mortality rates. At the turn of the last century in 1900, if you lived in this country, you were expected to live on average to age 48. Now people are going to live 30 years longer on average. That is good news. Good for us. That causes some difficulties in Social Security and Medicare. This is not a big problem. We can solve this problem.

Let me describe something the Senator from Idaho needs to know. The Senator from Idaho never did address the question of the $1 trillion hole. He sort of went over it like: ''Well, people say a trillion dollars but'' and then went on.

If you are going to take money out of the current revenue base for Social Security and say to young people who are now working—you can use it for private accounts, then what happens to the estimated $1 trillion over 10 years you took from over here which was to be used to pay benefits for current beneficiaries of Social Security?

I have served in this Congress with my colleague from Idaho and others. Over the years, we have put in place $100 billion a year in incentives for private savings and private investments. We have SEPs. We have traditional and Roth IRAs and 401(k)s. We have them all, and more. We say to people: If you put some money away in savings under certain conditions, you will have a tax benefit, a tax credit, a tax deduction. We spend $100 billion a year in reduced taxes by providing incentives for people to create and open private accounts, to invest in the stock market, and to invest in other things. We do that. I support it. I think it makes good sense for this country. But that is not the same as Social Security.

The word ''security'' ought to mean something. That is the bedrock, the foundation of retirement funds that we do as a country. The Senator from Idaho asks the question—I want to answer it—he asks the question about the issues that the Vice President has raised on the widow's benefit to surviving spouses and also of the issue of the motherhood penalty.

The Vice President proposes to solve those, which I think makes some sense. I assume the Senator from Idaho will agree that the issue of the widow's benefit, to increase the widow's benefit to 75 percent of the couple's previously combined Social Security benefit, makes sense. He knows and I know all kinds of retired women around this country living by themselves who are struggling mightily to make ends meet with a pittance in their assistance check, and we need to do better than that. The Vice President proposes we do better than that.

The Senator from Idaho asks: Where does he get the money? I will tell him where he gets the money. Then I will ask where does George Bush get the $1 trillion because I would like to hear an answer to that.

Where does Vice President GORE get the money? He does not propose a massive $1.5 trillion in tax breaks, most of which goes to upper income folks. He

proposes a smaller tax cut to working families and uses the difference to reduce the Federal debt. When we reduce the Federal debt every year, we have a surplus and will get to the point when we wipe out the indebtedness. When we wipe out the Federal debt, the third largest expenditure in the Federal budget, which is interest on the debt, will no longer exist. And that money which we now pay for interest on the Federal debt, the Vice President proposes be put into the Social Security system to help pay for the two issues the Senator from Idaho just described and provide increased solvency for the Social Security system. The answer is very simple. The Senator asks where does the money come from? It comes from reducing the Federal debt, eliminating interest on the debt as cost to the Federal budget, plowing that back into the Social Security system to help mothers, widows, and to increase and promote solvency in the system. That is the answer. It is a very simple answer.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I appreciate the indulgence of the Senator from Iowa. I will try to finish before 5 minutes. I want to finish this point. The Senator from Iowa is on the floor and I know wants to speak. Let me finish this point because I think it is so important.

The difference in priorities here is a priority. I am not saying one candidate is a bad person and the other candidate is a good person. Those who aspire to be President of this country have different priorities. Governor Bush says he supports a very large tax cut right up front even before we have the surpluses. We have all these economists telling us we are going to have 10 years of surpluses. Most cannot remember their telephone numbers, and they are telling us what is going to happen in this country 8 years down the road. Nonsense.

We would be very smart to be more conservative than that. What we ought to do, as Vice President Gore suggests, is use a substantial portion of that estimated surplus to pay down indebtedness. If during tough times you run up the Federal debt, during good times you ought to pay it down. One of the advantages of doing that is you reduce the third largest item in the Federal budget—that is interest on the debt—and use that for another purpose. That is exactly the answer to the question the Senator raises.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I want to make one additional point. What brought me to the floor today was this discussion of $1 trillion that is proposed to be taken from the trust funds of Social Security that is now used to pay benefits to those who are now retired and to be used instead for private accounts for working men and women. My point is this: We already spend $100 billion a year to incentivize private investment accounts. I am all for that.

In fact, as far as I am concerned, we can increase that and probably will. Vice President Gore suggests Social Security-plus to keep Social Security, do not threaten the base of Social Security at all, do not take money and divert it, but then on top of Social Security say we are going to provide even more incentives for those who want to invest in private savings accounts.

My point is this, very simple: When the issue of credibility is raised about all of these claims and counterclaims, there is a serious credibility issue of taking $1 trillion out of the current trust fund over the next 10 years, $1 trillion that would otherwise go into the trust funds to pay current benefits to those who are retired, and saying at the same time: It is available for private accounts for other people. As I said before, when you take bookkeeping in high school or college, they do not teach you ''double entry'' means you can use the same money twice. Yet that is exactly what has happened with this proposal.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. I will yield just for a moment.

Mr. CRAIG. For 1 minute only.

The Vice President starts the benefit, accrues the debt into the trust fund, and then you have an increased debt over in the trust fund of Social Security. An increased debt because the new benefits are going out.

On the other hand, I believe Governor Bush is proposing the following: He will take $1 trillion out of a $2.4 trillion surplus to create these personal accounts. It is not current money to pay for current programs. No. No. The Senator from North Dakota and I agree that under current law, and under current benefit rates, Social Security is building a trust fund surplus that will peak at $2.4 trillion.

Therein lies the difference. Those are the facts. The Gore plan is a Ponzi scheme, Mr. President. It is a Ponzi scheme.

Mr. DORGAN. Let me reclaim my time. I am generous to yield and always yield when asked to yield. But this notion of a Ponzi scheme—the definition of ''Ponzi,'' it seems to me, is a description that says: The surplus that is going to go into the Social Security system each year, for a while, is somehow available for some other purpose.

We have a deliberate surplus going into Social Security. Why? Because it is needed, as the Senator from Idaho knows, to meet the day when baby boomers retire. We are going to need that money.

What is going to happen is, if you follow his proposal, or the Governor's proposal, and you take that money out, when you need it later, it is not going to be there.

So I do not want anybody to stand up on the floor and say: Oh, yes, there is a surplus right now. By the way, that is unobligated. Somebody can come and grab that, and it will not matter. That surplus is delivered.

I happened to be on the Ways and Means Committee in the House when we passed the Social Security reform plan. We did it to deliberately create a surplus to meet the needs when the baby boomers retire.

When the Second World War ended, the folks came back from fighting for this country's liberty and freedom, and they created the largest baby crop in the history of our country. They are called ''war babies.'' There was this outpouring of love and affection, I guess, and we had the largest baby crop in American history.

When that largest baby crop in American history retires, we are going to have a substantial need for all of the surplus we have designed to put into that trust fund now.

My point is, if you take that out now, by saying it is not obligated, that we do not need it, I just say you are wrong. You can stand up and holler ''Ponzi'' all you want.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. But you are wrong if you take that position.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I want to add to what the Senator from North Dakota is saying. I am sorry the Senator from Idaho has left.

Basically, the Senator from Idaho said Vice President GORE's proposals would—I do not know if he used the word ''bankrupt,'' but they would destroy the Social Security surplus, et cetera.

I say to the Senator from North Dakota, the actuaries of the Social Security Administration did a study. They said the Gore plan that would apply the interest savings, improve the widow's benefits, and end the motherhood penalty, would, in total—when you take the total package—extend the Social Security trust fund solvency to over 50 years. That is from the actuaries themselves.

So if my friend from Idaho were here, I would make sure he heard that. Maybe he did.

## EDUCATION IN TEXAS

Mr. HARKIN. Mr. President, today a very interesting release was made of a study on education in Texas by the Rand Corporation. I will read some parts from this.

I ask unanimous consent that the executive summary of the Rand Corporation's study that was released today be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. What did this Rand study show? Let me read the first couple paragraphs:

What Do Test Scores in Texas Tell Us?

Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that recorded extraordinary gains in math and reading scores.

The team's report, an issue paper titled ''What Do Test Scores in Texas Tell Us?'', raises ''serious questions'' about the validity of those gains [in Texas]. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading.

It continues:

To investigate whether the dramatic math and reading gains on the TAAS [the Texas Assessment of Academic Skills] represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress. The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eighth graders during comparable four-year periods.

According to the Rand study: The ''stark differences'' between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

''We do not know the source of these differences,'' the researchers state. But one reasonable explanation, consistent with survey and observation data, is that ''many schools are devoting a great deal of class time to highly specific TAAS preparation.'' While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that ''schools with relatively large percentages of minority and poor students may be doing this more than other schools.''

Then it went on to say: Other features of the Texas test also may contribute to the false sense that the racial gaps are closing.

Let me read now what Governor Bush has said about the Texas tests. According to Governor Bush:

One of my proudest accomplishments is I worked with Republicans and Democrats to close that achievement gap in Texas.

Bush said that on ''Larry King Live.''

The Rand study shows this claim is false. The achievement gap is not closing; it is actually increasing in Texas.

Bush says that:

Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans.

That is from a George Bush press conference.

The Rand study shows that the tests cited by Bush to support this claim are biased, the gains are the product of teaching to the test, and that claims of success far exceed the actual results.

Here is another Bush quote:

And our State provides some of the best education in the nation, not measured by us, but measured by the Rand Corporation, or other folks who take an objective look as to how states are doing when it comes to educating children.

Bush said this in a live web chat on August 30.

Governor Bush was citing the Rand Corporation as an independent, outside organization to look at what States are doing and what they are doing in educating their children.

Here the Rand Corporation came out with their finding today. ''I think the, quote, 'Texas miracle' is a myth,'' Stephen Klein, a senior Rand researcher who helped lead the study, told Reuters in a phone interview. He said: the ''Texas miracle'' is a myth.

So much for what George Bush is saying about the ''Texas miracle'' in education. What it shows is that Texas set up its own tests, called the TAAS, the Texas Assessment of Academic Skills. They administered those, put rewards out there for how well you do on these tests.

So what did they start doing in those schools? They taught to the test, especially in schools that had a high proportion of minority students. But when measured against the national test —that is not biased, that is generally accepted around the Nation as the test to measure achievement—the Texas test falls short. It showed that the gap is not closing. It is actually widening, especially when it comes to the gap between white students and students of color.

George Bush's claim that great progress in education has been made in Texas is simply a myth. I am glad the Rand Corporation study came out at this time. The American people deserve to know this, that the exaggerations of George Bush on education are clearly just that—terrible, gross exaggerations of what is actually happening in Texas, when he cites the Rand Corporation and then the Rand Corporation comes out and says, wait a minute, this is a myth. There are serious questions about the validity of the gains in Texas, stark differences between the stories told by Texas and by national testing.

It is obvious to me. George Bush keeps talking about taking tests and taking tests, but when you measure against the nationally respected NAEP test, Texas falls far short. So much for that exaggeration. Mr. Bush believes so much in taking tests; he should take an exaggeration test. He would flunk it. So much for education.

We were down at the White House earlier. We are sitting here now, almost a month into the new fiscal year. We have not passed our appropriations bills that fund education. We have no money for class size reduction, no money for rebuilding and modernizing our schools, no money for building new schools, no money for teacher training, no money for job training. We are a month into the new fiscal year. The last bill to be worked on is our education bill. The leadership on the Republican side said this year that education was their No. 1 priority. Yet it is the last bill to get through the Congress.

Finally, the Governor of Texas was quoted in today's Washington Post as saying that the Vice President has blocked reform for the past 7½ years. This is the exact quote from the newspaper:

''For 7½ years the vice president has been the second biggest obstacle to reform in America,'' Bush added. ''Now he wants to be the biggest, the obstacle in chief.''

That is kind of a cute line, I have to admit. He says that the Vice President and President Clinton have blocked reform for the last 7½ years. He has his little chant: They have had their chance. They have not led. We will. It is a catchy little phrase.

I have been watching George Bush. He has a lot of catchy phrases. It makes one wonder: What country has George Bush been living in for the last 8 years? Look at the record. During the Reagan and Bush years, we had record deficits. Our debt quadrupled in this country during those years, low job growth, low economic growth. Bill Clinton and AL GORE took us from the depths of a Republican-made recession to the heights of the longest peacetime economic expansion in this Nation's history, balanced our budgets; it took us from record deficits of $290 billion a year—that is what it was in 1992, a $290 billion deficit—and the surplus this year will be $237 billion, the largest surplus in our Nation's history.

We are now on track to eliminate the public debt by 2012. The Clinton and Gore team, in contrast to what George Bush is saying, created 22.2 million new jobs, an average of 242,000 new jobs every month. That is the highest number of jobs ever created under a single administration. Unemployment is now at the lowest rate in 30 years. Under the Reagan and Bush years, the number of people on welfare rose by 2.5 million, an increase of 22 percent. But under Bill Clinton and AL GORE, we ended welfare as we knew it. We have moved 7.5 million people off of welfare, a decrease of 50 percent. Today we have the lowest number of welfare recipients since 1968.

George Bush is saying: They are big spenders; they wanted to spend all this money. The size of Government has grown.

Let's look at the record.

Bill Clinton and AL GORE have shrunk spending. Today, Federal Government spending as a share of the economy, of our gross product, has

dropped to its lowest level since 1966. It is right at about 18.5 percent, the lowest level since 1966.

AL GORE was the head of reinventing government, which has saved us approximately $136 billion since he took over. How? There are now 377,000 fewer Federal Government employees than in 1993. We now have the smallest Federal workforce since 1960. Yet under George Bush in Texas, the size of the Texas government has grown. They have more people working for government. Under Clinton and GORE, we have reduced the size of the Government by 377,000 people to the lowest level since 1960. Those are the irrefutable facts.

Crime has been reduced. It has dropped for 7 years in a row, the longest consecutive decline in crime ever recorded. The environment has improved. During this time of economic growth, our environment has improved. They have set the toughest smog and soot standards ever. We have cleaned up over 500 toxic waste dumps. We have protected over 650 million acres of public lands, more than any administration since Franklin Roosevelt was President.

We have made new investments in our schools. We have begun an initiative to hire 100,000 more teachers to reduce class size. We have opened up slots for 200,000 new Head Start students. We have connected classrooms across America to the Internet. We have expanded afterschool, summer school, and college prep programs.

Evidently, George Bush does not think much of these results. Maybe these aren't the kinds of reforms in which he is interested. I guess Governor Bush would rather take us back to the old days of deficits, debts, and recession. Tax breaks for the rich; tough breaks for everyone else.

In essence, what Governor Bush wants to do is return to the failed policies of the past. Let's move beyond that. Those failed policies of the past brought us deficits, brought us more debt, brought us recession, but the economic programs of the Clinton-Gore administration have brought us the greatest prosperity we have known since World War II.

That is the record. Those are the facts. No amount of catchy little phrases or platitudes uttered by Governor Bush can erase that record.

Lastly on education, the Rand study shows that the Texas miracle is really a Texas myth.

EXHIBIT NO. 1

WHAT DO TEST SCORES IN TEXAS TELL US?

Do the scores on high-stakes, statewide tests accurately reflect student achievement? To answer this critical question, a team of RAND researchers examined the results on the Texas Assessment of Academic Skills (TAAS), the highest-profile state testing program and one that has recorded extraordinary gains in math and reading scores.

The team's report, an issue paper titled What Do Test Scores in Texas Tell Us? raises ''serious questions'' about the validity of those gains. It also cautions about the danger of making decisions to sanction or reward students, teachers and schools on the basis of test scores that may be inflated or misleading. Finally, it suggests some steps that states can take to increase the likelihood that their test results merit public confidence and provide a sound basis for educational policy.

To investigate whether the dramatic math and reading gains on the TAAS represent actual academic progress, the researchers compared these gains to score changes in Texas on another test, the National Assessment of Educational Progress (NAEP). The NAEP tests were used as a benchmark because they reflect standards endorsed by a national panel of experts, they are not subject to pressures to boost scores, and they are generally considered the nation's single best indicator of student achievement. Both the TAAS and the NAEP tests were administered to fourth and eight graders during comparable four-year period.

The RAND team—Stephen P. Klein, Laura Hamilton, Daniel McCaffrey and Brian M. Stecher—generally found only small increases, similar to those observed nationwide, in the Texas NAEP scores. Meanwhile, the TAAS scores were soaring. Texas students did improve significantly more on a fourth-grade NAEP math test than their counterparts nationally. But again, the size of this gain was smaller than their gains on TAAS and was not present on the eighth-grade math test.

The ''stark differences'' between the stories told by NAEP and TAAS are especially striking when it comes to the gap in average scores between whites and students of color. According to the NAEP results, that gap in Texas is not only very large but increasing slightly. According to TAAS scores, the gap is much smaller and decreasing greatly.

''We do not know the source of these differences,'' the researchers state. But one reasonable explanation, consistent with survey and observation data, is that ''many schools are devoting a great deal of class time to highly specific TAAS preparation.'' While this preparation may improve TAAS scores, it may not help students develop necessary reading and math skills. The authors suspect that ''schools with relatively large percentages of minority and poor students may be doing this more than other schools.'' Other features of the TAAS also may contribute to the false sense that the racial gaps are closing.

Problems with statewide tests are not confined to the TAAS or Texas, the authors observe. To lessen the likelihood of invalid scores on such tests, they recommend that states:

Reduce the pressure associated with high-stakes testing by using one set of measures for decisions about individual students and another set for teachers and schools;

Replace traditional paper-and-pencil multiple choice exams with computer-based tests that are delivered over the Internet and draw on banks of thousands of questions;

Peridocially conduct audit testing to validate score gains; and

Examine the positive and negative effects of the testing programs on curriculum and instruction.

In July, RAND released a detailed analysis by David Grissmer and colleagues that compared the NAEP scores of 44 states, including Texas. That study and today's issue paper are not directly comparable. They differ in scope, focus and data. Grissmer et al. found that Texas ranked high in achievement when comparing children from similar families. Both found at least some gains in the NAEP scores in Texas. Grissmer et al. suggested that the Texas accountability regime, of which TAAS is a part, might be a ''plausible'' explanation for the state's NAEP gains, but added that more research is needed before a linkage can be made. What Do Test Scores in Texas Tell Us? represents an important contribution to that research effort. It is also the latest in a continuing series of RAND analyses involving high-stakes testing issues.

STATEMENT OF RAND PRESIDENT AND CEO, JAMES A. THOMSON

The issue paper on Texas Education and Test Scores that RAND issued today is already the subject of intense controversy, as we expected. I want to underscore several points:

This research was thoroughly reviewed by distinguished external and internal experts. We stand behind the quality of both this paper and of our July report on the meaning of national test scores across the country, which also sparked considerable controversy.

The timing of the release of both reports was based on the same, constant RAND standard; we release our work as soon as the research, review and revision processes are complete. We don't produce findings for political reasons, we don't distribute them for political reasons and we don't sit on them for political reasons. This is a scrupulously nonpartisan institution.

The July study—Improving Student Achievement: What State NAEP Scores Tell Us—also touched on Texas schools and received widespread press play. Both efforts draw on NAEP scores. The new paper suggests a less positive picture of Texas education than the earlier effort. But I do not believe that these efforts are in sharp conflict. Together in fact they provide a more comprehensive picture of key education issues.

The July report differed in scope (it covered almost all states, not just Texas), in methodology (it adjusted states' NAEP scores for family characteristics, such as racial and socioeconomic differences), and most of all in focus. It sought to explain why student achievement scores vary so widely across the states even after those demographic adjustments are made. The team that researched the new Issue Paper on the other hand focused on Texas and its statewide testing program. Texas was studied because the state exemplifies a national trend toward using statewide exams as a basis for high-stakes educational decisions.

From the Texas standpoint, the good news is that the state ranks high in adjusted student achievement. Our July study correlates this with specific ways that resources are allocated to high-leverage programs, such as pre-kindergarten, one of the features of the Texas reform effort. The bad news is that the statewide testing system in Texas needs improvement. The Issue Paper team suggests ways this can be done in Texas and other states.

Mr. HARKIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, as I have done every day we have been in

session, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court of Appeals; that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter; that debate on the nomination be limited to 2 hours equally divided; and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. At the request of the majority leader and in my individual capacity as a United States Senator, I object.

Mr. HARKIN. Mr. President, every day I raise it and every day the Republican majority objects. It is still a shame that Bonnie Campbell has been tied up in that committee since May. She has had her hearing. She has done a great job running the Violence Against Women office. Everyone agrees on that. She would be an outstanding circuit court judge. No one doubts her qualifications. Yet the Judiciary Committee refuses to report out her name.

It is really a disservice to her and to our country, and it is really a disgrace on this body that her name continues to be bottled up in the Judiciary Committee.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AN EXCERPT FROM PAT CONROY'S UPCOMING BOOK, ''MY LOSING SEASON''

Mr. THURMOND. Mr. President, I was recently given a copy of an excerpt from a yet unpublished book written by South Carolina native and former Citadel graduate, Mr. Pat Conroy. This essay is an insightful tribute to the men and women who served their country in times of conflict, and I would like to take this opportunity to bring this exceptional essay to the attention of my colleagues.

Mr. Conroy's composition recounts the experiences of a courageous man who answered his nation's call to serve in the armed forces during a time of conflict, and the intense pride he had in his country even during the most dire of circumstances as a POW. It also recounts how, through the author's interaction with this patriotic individual, Mr. Conroy arrived at the realization that duty to one's country is an obligation that comes with the privilege of being a citizen.

This dramatic composition honors those who accepted their duty with courage and dignity, and I ask unanimous consent that this poignant essay be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MY HEART'S CONTENT

(By Pat Conroy)

The true things always ambush me on the road and take me by surprise when I am drifting down the light of placid days, careless about flanks and rearguard actions. I was not looking for a true thing to come upon me in the state of New Jersey. Nothing has ever happened to me in New Jersey. But came it did, and it came to stay.

In the past four years I have been interviewing my teammates on the 1966–67 basketball team at the Citadel for a book I'm writing. For the most part, this has been like buying back a part of my past that I had mislaid or shut out of my life. At first I thought I was writing about being young and frisky and able to run up and down a court all day long, but lately I realized I came to this book because I needed to come to grips with being middle-aged and having ripened into a gray-haired man you could not trust to handle the ball on a fast break.

When I visited my old teammate Al Kroboth's house in New Jersey, I spent the first hours quizzing him about his memories of games and practices and the screams of coaches that had echoed in field houses more than 30 years before. Al had been a splendid forward-center for the Citadel; at 6 feet 5 inches and carrying 220 pounds, he played with indefatigable energy and enthusiasm. For most of his senior year, he led the nation in field-goal percentage, with UCLA center Lew Alcindor hot on his trail. Al was a battler and a brawler and a scrapper from the day he first stepped in as a Green Weenie as a sophomore to the day he graduated. After we talked basketball, we came to a subject I dreaded to bring up with Al, but which lay between us and would not lie still.

''Al, you know I was a draft dodger and antiwar demonstrator.''

''That's what I heard, Conroy,'' Al said. ''I have nothing against what you did, but I did what I thought was right.''

''Tell me about Vietnam, big Al. Tell me what happened to you,'' I said.

On his seventh mission as a navigator in an A–6 for Major Leonard Robertson, Al was getting ready to deliver their payload when the fighter-bomber was hit by enemy fire. Though Al has no memory of it, he punched out somewhere in the middle of the ill-fated dive and lost consciousness. He doesn't know if he was unconscious for six hours or six days, nor does he know what happened to Major Robertson (whose name is engraved on the Wall in Washington and on the MIA bracelet Al wears).

When Al awoke, he couldn't move. A Viet Cong soldier held an AK–47 to his head. His back and his neck were broken, and he had shattered his left scapula in the fall. When he was well enough to get to his feet (he still can't recall how much time had passed), two armed Viet Cong led Al from the jungles of South Vietnam to a prison in Hanoi. The journey took three months. Al Kroboth walked barefooted through the most impassable terrain in Vietnam, and he did it sometimes in the dead of night. He bathed when it rained, and he slept in bomb craters with his two Viet Cong captors. As they moved farther north, infections began to erupt on his body, and his legs were covered with leeches picked up while crossing the rice paddies.

At the very time of Al's walk, I had a small role in organizing the only antiwar demonstration ever held in Beaufort, South Carolina, the home of Parris Island and the Marine Corps Air Station. In a Marine Corps town at that time, it was difficult to come up with a quorum of people who had even minor disagreements about the Vietnam War. But my small group managed to attract a crowd of about 150 to Beaufort's waterfront. With my mother and my wife on either side of me, we listened to the featured speaker, Dr. Howard Levy, suggest to the very few young enlisted marines present that if they get sent to Vietnam, here's how they can help end this war: Roll a grenade under your officer's bunk when he's asleep in his tent. It's called fragging and is becoming more and more popular with the ground troops who know this war is bullshit. I was enraged by the suggestion. At that very moment my father, a marine officer, was asleep in Vietnam. But in 1972, at the age of 27, I thought I was serving America's interests by pointing out what massive flaws and miscalculations and corruptions had led her to conduct a ground war in Southeast Asia.

In the meantime, Al and his captors had finally arrived in the North, and the Viet Cong traded him to North Vietnamese soldiers for the final leg of the trip to Hanoi. Many times when they stopped to rest for the night, the local villagers tried to kill him. His captors wired his hands behind his back at night, so he trained himself to sleep in the center of huts when the villagers began sticking knives and bayonets into the thin walls. Following the U.S. air raids, old women would come into the huts to excrete on him and yank out hunks of his hair. After the nightmare journey of his walk north, Al was relieved when his guards finally delivered him to the POW camp in Hanoi and the cell door locked behind him.

It was at the camp that Al began to die. He threw up every meal he ate and before long was misidentified as the oldest American soldier in the prison because his appearance was so gaunt and skeletal. But the extraordinary camaraderie among fellow prisoners that sprang up in all the POW camps caught fire in Al, and did so in time to save his life.

When I was demonstrating in America against Nixon and the Christmas bombings in Hanoi, Al and his fellow prisoners were holding hands under the full fury of those bombings, singing ''God Bless America.'' It was those bombs that convinced Hanoi they would do well to release the American POWs, including my college teammate. When he told me about the C–141 landing in Hanoi to pick up the prisoners, Al said he felt no emotion, none at all, until he saw the giant American flag painted on the plane's tail. I stopped writing as Al wept over the memory of that flag on that plane, on that morning, during that time in the life of America.

It was that same long night, after listening to Al's story, that I began to make judgments about how I had conducted myself during the Vietnam War. In the darkness of the sleeping Kroboth household, lying in the third-floor guest bedroom, I began to assess my role as a citizen in the '60s, when my country called my name and I shot her the bird. Unlike the stupid boys who wrapped themselves in Viet Cong flags and burned the American one, I knew how to demonstrate against the war without flirting with treason or astonishingly bad taste. I had come directly from the warrior culture of this country and I knew how to act. But in the 25 years that have passed since South Vietnam fell, I have immersed myself in the study of totalitarianism during the unspeakable century we just left behind. I have questioned survivors of Auschwitz and Bergen-Belsen, talked to Italians who told me tales of the Nazi occupation, French partisans who had counted German tanks in the forests of Normandy, and officers who survived the Bataan

Death March. I quiz journalists returning from wars in Bosnia, the Sudan, the Congo, Angola, Indonesia, Guatemala, San Salvador, Chile, Northern Ireland, Algeria. As I lay sleepless, I realized I'd done all this research to better understand my country. I now revere words like democracy, freedom, the right to vote, and the grandeur of the extraordinary vision of the founding fathers. Do I see America's flaws? Of course. But I now can honor her basic, incorruptible virtues, the ones that let me walk the streets screaming my ass off that my country had no idea what it was doing in South Vietnam. My country let me scream to my heart's content—the same country that produced both Al Kroboth and me.

Now, at this moment in New Jersey, I come to a conclusion about my actions as a young man when Vietnam was a dirty word to me. I wish I'd led a platoon of marines in Vietnam. I would like to think I would have trained my troops well and that the Viet Cong would have had their hands full if they entered a firefight with us. From the day of my birth, I was programmed to enter the Marine Corps. I was the son of a marine fighter pilot, and I had grown up on marine bases where I had watched the men of the corps perform simulated war games in the forests of my childhood. That a novelist and poet bloomed darkly in the house of Santini strikes me as a remarkable irony. My mother and father had raised me to be an Al Kroboth, and during the Vietnam era they watched in horror as I metamorphosed into another breed of fanatic entirely. I understand now that I should have protested the war after my return from Vietnam, after I had done my duty for my country. I have come to a conclusion about my country that I knew then in my bones but lacked the courage to act on: America is good enough to die for even when she is wrong.

I looked for some conclusion, a summation of this trip to my teammate's house. I wanted to come to the single right thing, a true thing that I may not like but that I could live with. After hearing Al Kroboth's story of his walk across Vietnam and his brutal imprisonment in the North, I found myself passing harrowing, remorseless judgment on myself. I had not turned out to be the man I had once envisioned myself to be. I thought I would be the kind of man that America could point to and say, ''There. That's the guy. That's the one who got it right. The whole package. The one I can depend on.'' It had never once occurred to me that I would find myself in the position I did on that night in Al Kroboth's house in Roselle, New Jersey: an American coward spending the night with an American hero.

## TRIBUTE TO LIEUTENANT COMMANDER CLAYTON O. MITCHELL, JR., CIVIL ENGINEER CORPS, UNITED STATES NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I take this opportunity to recognize and bid farewell to an outstanding naval officer, Lieutenant Commander Clayton O. Mitchell, Jr., upon his departure from my staff. Lieutenant Commander Mitchell has truly epitomized the ''Can Do'' spirit of the Seabees and Navy core values of honor, courage, and commitment during his assignment as a Navy Legislative Fellow on my staff. He has been a valued team member who has had an enduring impact upon the State of Mississippi. He will be sorely missed.

Lieutenant Commander Mitchell reported to my staff from Naval Mobile Construction Battalion Seventy Four, a Seabee battalion homeported in my home State of Mississippi. As operations officer for the ''Fearless'' Seabees of NMCB 74, he directed the military and construction operations for the unit at 11 deployment sites throughout the Atlantic coast, Caribbean, and Central America in addition to leading disaster recovery efforts in the aftermath of hurricane Georges. He spearheaded recovery operations which helped clear roads and restore vital services at Construction Battalion Center Gulfport and the Mississippi Gulf Coast within 24 hours.

Lieutenant Commander Mitchell is a 1985 industrial engineering graduate of California Polytechnic State University (Cal-Poly), San Luis Obispo. He was commissioned as an Ensign through the Officer Candidate School at Newport, Rhode Island after working two years as an engineer for Rockwell International. He began his career as a Navy Civil Engineer Corps officer with Chesapeake Division, Naval Facilities Engineering Command as the Assistant Resident Officer in Charge of Construction, Andrews AFB, Maryland. He then reported to Naval Mobile Construction Battalion Forty for two nine month deployments which included Assistant Officer in Charge, Detail Sigonella, Sicily and Officer in Charge, Detail Diego Garcia, British Indian Ocean Territories.

After his first Seabee tour with NMCB Forty, Lieutenant Commander Mitchell then attended the University of California at Berkeley, earning a Master of Science degree in civil engineering. He followed Berkeley with an assignment to the United States Naval Academy as Shops Engineer in the Public Works Department, directing a 270 member workforce responsible for the Academy's facilities maintenance, transportation, and utilities operations.

His next challenge was as Facilities Planning Officer, Public Works Center, Yokosuka, Japan. In this capacity, he directed a host nation construction program with over $1.7 billion in projects under design and/or construction. He spearheaded execution of some of the Navy's most critical projects in Japan, including the delivery of 854 family housing units with the completion of the $1 billion Ikego family housing complex and a $41 million carrier pier at Yokosuka. For nine months during this tour, Lieutenant Commander Mitchell also served as Staff Civil Engineer to the Commander, U.S. Naval Forces Japan, where he was the Navy's ''go to'' man for facilities and civil engineering issues.

Lieutenant Commander Mitchell has also made a significant impact in the various communities in which he has served. He directed a Mids'N'Kids tutorial/mentorship program, providing Annapolis youth with a midshipman sponsor and access to Naval Academy facilities on a weekly basis during the school year. As treasurer for the Samuel P. Massie Educational Endowment, he distributed over $35,000 in scholarship awards to Maryland college and university students. In 1995, he was recognized as the ''Volunteer of the Week for Father's Day'' by the Annapolis Capitol newspaper for his contributions in the community. In 1997, he was recognized by Black Engineer magazine with an ''Engineer of the Year: Special Recognition Award'' as one of the nation's promising young engineers of the future.

On my staff, he has established himself as a consummate professional providing guidance and oversight on a plethora of Department of Defense issues ranging from Defense health care, military construction, shipbuilding, and various weapons systems programs. His efforts also yielded over $100 million in research, development, test, and evaluation funds for Mississippi Universities.

Lieutenant Commander Mitchell is married to the former Karen Elaine Blackwell of Washington, D.C. and their family includes daughter, Kendra and son, Austin. He is a registered professional engineer in the Commonwealth of Virginia and a Seabee Combat Warfare qualified officer who enthusiastically returns to his Navy. I have appreciated greatly Lieutenant Commander Mitchell's contributions to my team and wish him fair winds and following seas in the future.

## TRIBUTE TO STEPHEN C. NUNEZ, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding NASA Manager, Stephen C. Nunez, upon his departure from my staff. Mr. Nunez was selected as a NASA Congressional Fellow to work in my office because of his knowledge of the aerospace industry, NASA programs, and NASA's John C. Stennis Space Center in my home state of Mississippi. It is a privilege for me to recognize the many outstanding achievements he has provided for the United States Senate, NASA, and our great Nation.

During his NASA fellowship, Mr. Nunez worked on legislation affecting NASA, the aerospace industry, and veterans. He worked hard to ensure the NASA Authorization Bill and the VA-HUD and Independent Agencies Appropriation Bill for fiscal year 2001 included legislative provisions that will lead to the next generation of reusable launch vehicles. These initiatives will reduce the cost of getting payloads into orbit by a factor of 10. These provisions also support specific programs aimed at fostering the development of a robust U.S. propulsion industry, which includes rocket engine testing at the Stennis Space Center. Specifically, he helped ensure that NASA's Space Launch Initiative was fully funded in fiscal year 2001 at $290 million.

Mr. Nunez also worked to ensure that legislative provisions were included in

both bills to support robust funding of the Commercial Remote Sensing Program to enable a $10 billion commercial remote sensing industry by 2010. He assisted greatly in the economic development in the State of Mississippi by bringing Aerospace companies and Mississippi Economic Development officials together.

Mr. Nunez worked with former Congressman G. V. ''Sonny'' Montgomery to enhance the educational benefits of the Montgomery G.I. bill through S. 1402, the ''Veterans and Dependents Millennium Education Act.'' He also worked with the Veterans Administration to open more Community Based Outpatient Clinics in Mississippi.

Mr. Nunez began his aerospace career as a contract engineer supporting the Space Shuttle Main Engine Test Program at NASA's Stennis Space Center shortly after graduating from Mississippi State University, where he received a Bachelor of Science degree in Civil Engineering. He joined NASA as a systems engineer supporting various propulsion development programs at Stennis Space Center, including the Space Transportation Main Engine and Space Shuttle Main Engine. He then took on additional responsibilities as Chief Engineer for various component and hybrid motor development test programs, including the first ever successful tests of a turbopump-fed hybrid motor. His next challenge was project lead for test program support of Boeing's Phase I Evolved Expendable Launch Vehicle Low Cost Concept Validation Program. The test program support was completed under budget and ahead of schedule. This program demonstrated water recovery of a Space Shuttle Main Engine propulsion module and culminated in a successful hot fire test after the propulsion module was dropped into the Gulf of Mexico.

Mr. Nunez is no stranger to Washington, D.C. where he served a one year detail to the Associate Administrator for the Office of Space Flight at NASA Headquarters. Prior to starting his Congressional Fellowship, Mr. Nunez served as X–33 Project Manager at Stennis Space Center where he was responsible for all reusable launch vehicle initiatives there totaling $35 million. As X–33 Project Manager, he led a team of engineers and technicians in the successful test firing of the X–33 Linear Aerospike Engine, whose success has been a major highlight of the X–33 Program.

A native Mississippian, Mr. Nunez is married to the former Cynthia Marlene Cuevas of Leetown, Mississippi. They have one son, Stephen C. Nunez, II. Mr. Nunez is a registered Professional Engineer in Mississippi who looks forward to returning to the NASA team. I will truly miss his talents and expertise, and wish him all the very best as he helps NASA's efforts to advance human space flight in the 21st century.

## VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 24, 1999:

Yvetta Boyland, 30, Memphis, TN;

Andy Carr, 18, Atlanta, GA;

Chun Man Choi, 27, New Orleans, LA;

Javier Cortez, 29, Houston, TX;

Anthony Jackson, 38, Dallas, TX;

Ricky Harris, 22, Oakland, CA;

Mary Mata, 16, Fort Worth, TX;

Matthew Nimene, 39, Minneapolis, MN;

Robert D. Steward, 29, Chicago, IL; and

Jones Tiran, 21, Dallas, TX.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 20, 1999:

Rossi Anderson, 37, Houston, TX;

Melvin Axler, 75, Miami-Dade County, FL;

Steve Gaitan, 19, Miami-Dade County, FL;

Michael Hanton, 24, Philadelphia, PA;

Darrion Johnson, 28, Chicago, IL;

Roasiare Morneault, 58, Hollywood, FL;

Rafel Stokes, 41, Detroit, MI;

Carlos Thomas, 23, Washington, DC;

Richard Washington, 20, Chicago, IL;

Manuel Watkins, 14, Dallas, TX;

Betty Weaver, 56, Detroit, MI;

Albert Winters, 24, Washington, DC;

Shavon Young, 16, Irvington, NJ; and

Unidentified male, San Francisco, CA.

October 21, 1999:

Alexander Bednar, 87, Seattle, WA;

Kwame Bellentine, 24, Miami-Dade County, FL;

Calvin Berry, 29, Detroit, MI;

Antonio Davis, 20, Washington, DC;

Jerry Dodd, 35, Chicago, IL;

Vivian C. Geary, 72, New Orleans, LA;

Devon Gross, 19, Wilmington, DE;

Judith Herbert, 57, Denver, CO;

Orlando Jones, 24, St. Louis, MO;

Edward Morris, 29, Atlanta, GA;

Marilyn Starr, 42, Dallas, TX;

Nichole Thomas, 19, St. Louis, MO;

Richard Wilson, 27, St. Louis, MO; and

Kirk C. Wint, 25, Chicago, IL.

October 22, 1999:

Antonio Crawley, 20, Houston, TX;

Juan Maldonado, 38, Chicago, IL;

David Marshall, 18, Washington, DC;

Thomas McEvoy, 47, Miami-Dade County, FL;

Martin McCinigley, 35, Philadelphia, PA;

Tita-Marie Murray, 36, Washington, DC;

Huey M. Rich, 29, Chicago, IL;

Eugene Richardson, 20, Baltimore, MD;

Timothy Spain, 22, Atlanta, GA;

Donald Storeball, 20, Detroit, MI;

Unidentified Male, 37, Honolulu, HI; and

Unidentified Male, 36, Newark, NJ.

October 23, 1999:

Juan Castellonos, 29, Dallas, TX;

Deandre Clark, 4, Gary, IN;

Clyde K. Edwards, 23, Oklahoma City, OK;

Lu Hu, 24, Houston, TX;

Walter Joseph Kurtz, 45, Baltimore, MD;

Timothy Lockett, 32, Baltimore, MD;

Timothy Massey, 26, Baltimore, MD;

Juan Pina, 28, Dallas, TX; and

Walter L. Weber, 77, North Little Rock, AR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## COMMENDING SOUTH DAKOTA FARM, CONSERVATION, WILDLIFE, AND ENVIRONMENTAL GROUPS

Mr. JOHNSON. Mr. President, I rise today to offer sincere thanks and gratitude for the cooperation and leadership demonstrated this year in South Dakota by a large coalition of farm, conservation, wildlife, and environmental groups in my great State. These groups have taken an almost unprecedented step to cooperate in solving a problem concerning the treatment of wetlands in the context of production agriculture in South Dakota.

Their cooperation led to the adoption of a pilot project—the Conservation of Farmable Wetland Act of 2000—negotiated through Congress by Senator DASCHLE and me whereby farmed wetlands in a six-state region can become eligible for enrollment in the Conservation Reserve Program (CRP).

When it comes to conservation policy and the federal farm program, many issues are hotly debated. Perhaps nowhere has this become more evident than in the administration and policy implications of managing wetlands on farmground in South Dakota and the entire country. A real battle over the management of farmed wetlands has waged over the years between farmers—who own and farm the productive land where these wetlands are located—and conservation groups—who believe these wetlands should be maintained in their natural state.

Earlier this year, over thirty South Dakota groups struck an agreement in principle regarding the treatment of wetlands with some constructive ideas to signify a cease fire of sorts in this battle over the management of wetlands. Their agreement in principle expressed support for financial assistance

for farmers and landowners who voluntarily chose to commit the wetlands on their private lands—primarily land in crop production—to conservation under CRP. The farmable wetlands targeted in their agreement are located in low-lying draws or waterways that run through crop fields and carry runoff and topsoil into creeks and rivers in wet years. In dry years, these wetlands are farmed. Currently, grass filter strips surrounding these farmed wetlands qualify for CRP, but not the actual wetland acreage.

Mr. President, I ask unanimous consent that the agreement in principle and name of every group signing the agreement be printed at this point in the RECORD, and that my statement continue in the RECORD at the conclusion of the agreement in principle and list of groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Agreement in Principle Between Central Plains Water Development District; Clay County Conservation District; Clay County Farm Bureau; Delta Waterfowl Foundation; Ducks Unlimited, Inc., East Dakota Water Development District; Flandreau Santee Sioux Tribe; Izaak Walton League, Kempeska Chapter; Izaak Walton League, South Dakota District; James River Water Development District; National Audubon Society; Sierra Club-East River Group; Sierra Club-Living River Group; South Dakota Association of Conservation Districts; South Dakota Corn Growers Association; South Dakota Department of Agriculture; South Dakota Department of Environment and Natural Resources; South Dakota Department of Game, Fish and Parks; South Dakota Farm Bureau; South Dakota Farmers Union; South Dakota Grassland Coalition; South Dakota Lakes and Streams Association, Inc.; South Dakota Pork Producers Council; South Dakota Resources Coalition; South Dakota Soybean Association; South Dakota Stock Growers; South Dakota Water Congress; South Dakota Wheat Inc.; South Dakota Wildlife Federation; The Wildlife Society, South Dakota Chapter; Turner County Conservation District; U.S. Fish and Wildlife Service; Vermillion Basin Water Development District; and Vermillion River Watershed Authority.

PURPOSE

This memorandum is made by the organizations listed above, hereinafter called the partners, to express support for financial assistance to landowners who voluntarily choose to maintain wetlands on private lands and retire them from crop production in the Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana. The people of this partnership are united in their belief that programs should be available that compensate landowners who voluntarily commit their wetlands to conservation. We offer specific suggestions that certain wetlands be eligible for enrollment under the USDA Conservation Reserve Program, continuous sign up for buffers and filter strips and that incidental, after harvest grazing be better accommodated on these filter strips and buffers.

BACKGROUND

The Prairie Pothole Region of South Dakota, North Dakota, Minnesota, Iowa and Montana is a unique region of diverse wetlands on an agricultural, prairie landscape. Wetlands in this region function as habitat for wildlife and they retain runoff waters, sediments and pollutants. They interact with ground water and they play a role in protection of the quality and quantity of water used in homes, farms, ranches and industry throughout the region and beyond.

Most wetlands in the region are small, temporary wetlands. They typically hold water for only a few weeks after spring runoff and for short periods of time after heavy precipitation events. Many non-depressional wetlands in the region are the headwaters of major streams and rivers that reach across the North American continent. When they are dry, most temporary wetlands in agricultural fields are farmed.

The Prairie Pothole Region is also a region of deep rich soils and is recognized worldwide for its strong, diverse agricultural industry and abundant wildlife resources, which are second to none.

For decades wetland interests have often differed with agriculture and other development interests. While wetlands are valuable to society for the functions they provide, the cost of maintaining these values is often borne by those who own or farm the land. In the Prairie Pothole Region, most of the land is privately owned by farmers and ranchers, some whom find wetlands to be a hindrance to the efficient use of their land for cropping. In recent years they have been bound by legislation which prevents them from converting wetlands for agricultural development while retaining Federal farm benefits.

The USDA Conservation Reserve Program, established by the Food Security Act of 1985, provides annual payments to landowners who voluntarily retire qualifying lands from agricultural production for 10 or 15 years. Later farm acts provided for continuous CRP sign ups for environmentally sensitive lands and lands that contribute to water quality improvement such as riparian buffers and filter strips around wetlands.

In the Prairie Pothole Region, continuous sign up CRP for filter strips and buffers has not been widely used. One major obstacle to participation is that present USDA rules allow enrollment of a buffer or filter strip around a wetland, but have no provision for including the wetland acreage within the buffer or filter strip to be enrolled for payment. While this may be appropriate for lakes, rivers and deep permanent wetlands, it is not a good fit for the small frequently farmed wetlands of the Prairie Pothole Region.

In the prairie states, like elsewhere, farmers and ranchers typically move livestock into harvested grain fields to feed on waste grain and other crop residues. In fields where there are CRP filter strips or buffers, livestock grazing after harvest also graze the dormant grass of the filter strips and buffers unless they are fenced out. To avoid the need for this fencing, present USDA rules permit incidental grazing on buffers and filter strips, in conjunction with after harvest grazing of crop residues, for no more than two months. CRP payments are reduced by 25% for years when such grazing takes place.

In many years, winter weather sets in soon after harvest is complete and two months is an adequate time limit for after harvest grazing and incidental filter strip and buffer grazing. During open winters, however, when little or no snow falls, crop residue grazing may take place for more than two months. During these winters, incidental livestock use of those portions of fields enrolled in CRP filter strips and buffers could put the operator out of compliance with CRP rules.

Under the present rules, a person may enroll land around a wetland in a filter strip or buffer, but the wetland within must be excluded from the rental payment, even if that wetland is one that is frequently farmed when dry and the owner may be physically able to farm it, no payment is made for the wetland acreage.

To make the wetland protection measures of the continuous sign up CRP wetland buffer and filter strips more effective, USDA rules need to be changed so that frequently farmed wetlands are included in the continuous sign up CRP program in addition to the surrounding filter strip or buffer.

RECOMMENDATIONS

The partners recommend to the USDA that continuous sign up CRP rules be amended to allow wetlands with a cropping history, regardless of size, to be enrolled in the CRP along with adequate buffers and filter strips to protect the quality of water entering and leaving the enrolled wetlands. We also recommend that restrictions on duration of incidental grazing of filter strips and buffers, associated with after harvest grazing, be removed and that payment rates be adjusted for those years when grazing occurs.

These rule changes will allow participating landowners to realize a degree of compensation for income lost by leaving these wetlands uncultivated when dry and will allow farm operators to graze crop residues in certain years without fencing out buffers and filer strips enrolled in continuous enrollment CRP. This suggested change does not imply that filter strip or buffer grazing be allowed during the growing season, nor on other CRP acres.

We further recommend that USDA modify their specifications for filter strips around wetlands and buffer strips along riparian areas to make them more compatible with today's farming practices and machinery. We recommend that maximum allowable widths of these strips be adjusted with consideration for farmability of adjacent cropland and to protect wetlands and enhance wildlife habitat.

We recommend that USDA re-evaluate soil group rental payments for wetlands, filter strips and buffers for the continuous sign up CRP. Present rental rates do not adequately address the true value of wetland soils which are on the low end of rental payment schedules. Present soil rental rates do not take into account severance factors associated with the relatively small acreage that would be enrolled in a wetland/filter strip continuous CRP.

We recommend that selected members of the partner agencies and organizations listed in this agreement shall have input into USDA policy before final CRP rules are issued to assure that these recommendations are considered.

SOUTH DAKOTA CRP-WETLANDS AGREEMENT IN PRINCIPLE SIGNATORIES

Roger Strom, Clay County Conservation District.

Jerry Schmitz, Clay County Farm Bureau.

Lloyd Jones, Delta Waterfowl Foundation.

Jeff Nelson, Ducks Unlimited, Inc.

Jay Gilbertson, East Dakota Water Development District.

Wes Hansen, Flandreau Santee Sioux Tribe.

Ken Madison, Izaak Walton League, Kempeska Chapter.

Chuck Clayton, Izaak Walton League, South Dakota Division.

Darrell Raschke, James River Water Development District.

Genevieve Thompson, National Audubon Society.

Jeanie Chamness, Sierra Club, East River Group.

John Davidson, Sierra Club, Living River Group.

Gerald Thaden, South Dakota Association of Conservation Districts.

Ron Olson, South Dakota Corn Growers Association.
Darrell Cruea, South Dakota Department of Agriculture.
Nettie Myers, South Dakota Department of Environment and Natural Resources.
John Cooper, South Dakota Department of Game, Fish, and Parks.
Michael Held, South Dakota Farm Bureau.
Dennis Wiese, South Dakota Farmers Union.
Ron Ogren, South Dakota Grassland Coalition.
Don Marquart, South Dakota Lakes and Streams Association, Inc.
Mari Beth Baumberger, South Dakota Pork Producers Council.
Lawrence Novotny, South Dakota Resources Coalition.
Delbert Tschakert, South Dakota Soybean Association.
Bart Blum, South Dakota Stockgrowers.
Rick Vallery, South Dakota Wheat, Inc.
Chris Hesla, South Dakota Wildlife Federation.
Ron Schauer, Wildlife Society, South Dakota Chapter.
Dennis Johnson, Turner County Conservation District.
Carl Madsen, U.S. Fish and Wildlife Service.
Amond Hanson, Vermillion Basin Water Development District.
Lester Austin, Vermillion River Watershed Authority.
David Hauschild, Central Planes Water Development District and South Dakota Water Congress.

Mr. JOHNSON. Mr. President, given that over thirty groups and several more individuals were active participants in this historic agreement in South Dakota—it is impossible to aptly recognize every single one that deserves credit for this achievement. However, I cannot overlook the efforts of two real champions of this agreement and pilot project—two individuals who worked closely with me to make sure their idea developed from a South Dakota agreement to a six-state pilot project that the 106th Congress enacted and that the President will sign into law.

Paul Shubeck, a Centerville, South Dakota farmer and Carl Madsen, a Brookings, South Dakota private lands coordinator for the Fish and Wildlife Service developed this plan and helped negotiate its path through Congress.

Paul Shubeck greatly impressed me with his ability to shepherd this proposal, not only within a diverse coalition of South Dakota groups who normally do not tend to agree on wetlands matters, but also at the national level where he consistently advocated on behalf of the American family farmer who just wants a chance to produce a crop on his land and protect the environment all at the same time. Paul's drive and ability to compromise were key to the success of our pilot project.

Carl Madsen was a real source of passion for this project and provided us with a sense for the big picture—how our pilot would and could work in South Dakota and other parts of the United States. Carl's deep knowledge of wetlands and conservation policy provided us with critical technical assistance to ensure this pilot project was a credible, practical program.

Many, many more individuals and groups in South Dakota and the United States provided direct assistance to this effort Mr. President, and I want them all to know I am deeply grateful.

Earlier this year Mr. President, Senator DASCHLE and I urged Secretary Dan Glickman and the United States Department of Agriculture (USDA) to implement the South Dakota agreement in principle on an administrative basis. While USDA was supportive of the concept, they were reluctant to implement such a program without a clearer understanding of the purpose and implications of the program.

In response, on July 7, I brought a top USDA official to a farm near Renner, South Dakota where we met with several groups and individuals to discuss how to conserve these critical wetlands yet compensate farmers for taking the wetlands out of crop production. It was there that some suggested a pilot project would be the best route to take. Then, on July 27, Senator DASCHLE and I introduced S. 2980 to create a South Dakota pilot project permitting up to 150,000 acres of farmable wetlands into CRP.

Once S. 2980 was introduced, national conservation, wildlife, and farm organizations took interest and requested that we expand the pilot to cover more than South Dakota. The proposal adopted by Congress is the result of weeks of negotiations between Senator DASCHLE, myself, USDA, Senator LUGAR who serves as the Chairman of the Senate Agriculture Committee, and several national groups who now support the pilot. The changes resulted in expanding this program to the Prairie Pothole Region of the United States, including South Dakota, North Dakota, Minnesota, Nebraska, Iowa, and Montana. It is limited to 500,000 acres in those states, with an assurance that access be distributed fairly among interested CRP participants.

I truly believe this pilot project will provide landowners an alternative to farming these highly sensitive wetlands in order to achieve a number of benefits including; improved water quality, reduced soil erosion, enhanced wildlife habitat, preserved biodiversity, flood control, less wetland drainage, economic compensation for landowners for protecting the sensitive wetlands, and diminished divisiveness over wetlands issues.

Moreover, the pilot project is consistent with the purpose of CRP, and, if successful, could serve as a model for future farm policy as we look toward the next farm bill. I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. I have introduced the Flex Fallow Farm Bill Amendment to achieve some of these objectives. It is my hope that the success on our pilot project can serve as a model to once again bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Finally, I fully understand the successful adoption of this wetlands pilot project—no matter how important—will not put an end to the ongoing debate over the management of wetlands on farmland. Yet, I really hope that everyone engaged in the debate considers how effective we can be when we cooperate and compromise on this important issue.

## PASSAGE OF CERTAIN LEGISLATION

Mr. LEAHY. Mr. President, today we consider four bipartisan bills offered together as a package: the Public Safety Officer Medal of Valor Act, H.R. 46, the Computer Crime Enforcement Act, which I introduced as S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM; a Hatch-Leahy-Schumer ''Internet Security Act'' amendment; and a Bayh-Grams-Leahy-Cleland ''Protecting Seniors from Fraud Act'' amendment. I thank my colleagues for their hard work on these pieces of legislation, each of which I will discuss in turn.

I support the Public Safety Officer Medal of Valor. I cosponsored the Stevens bill, S. 39, to establish a Public Safety Medal of Valor Act. In April and May, 1999, I made sure that the Senate acted on Senator STEVENS' bill, S. 39.

On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

In May, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was over one year ago, during National Police Week last year. The measure was sent to the House where it lay dormant for over the rest of last year and most of this one.

The President of the United States came to Capitol Hill to speak at the Law Enforcement Officers Memorial Service on May 15, 2000, and said on that occasion that if Congress would

not act on the Medal of Valor, he was instructing the Attorney General to explore ways to award such recognition by Executive action.

Unfortunately, these calls for action did not waken the House from its slumber on this matter and the House of Representatives refused to pass the Senate-passed Medal of Valor bill. Instead, over the past year, the House has insisted that the Senate take up, fix and pass the House-passed version of this measure if it is to become law. House members have indicated that they are now prepared to accept the Senate-passed text, but insist that it be enacted under the House bill number. In order to get this important measure to the President, that is what we are doing today. We are discharging the House-passed version of that bill, H.R. 46, from the Judiciary Committee, adopting a complete substitute to bring it into conformance with the Stevens bill, S. 39, and sending it back to the House.

Senator STEVENS' version of this bill which I cosponsored is preferable to the House-passed bill, H.R. 46, and I am pleased that the version we pass today conforms to the Senate version.

For example, the House-passed version would limit the number of possible recipients of the Medal of Valor to 5 in any given year. The Stevens bill had allowed for up to 10 in any year. There is no requirement that the Board select the maximum possible recipients in any year, but I fear that 5 may be an artificially low ceiling for extraordinary valor across this country. I would not want officers from rural areas to be slighted because of such a low number. I would not want firefighters or correctional officers to be slighted. In addition, I can imagine a year where an incident involves a group of officers, maybe even a group numbering more than 5, and recognition of those involved in a single incident could consume all 5 of the awards allowed by the substitute that year and leave others, even others from that incident, without recognition. I believe that the Senate had it right the first time and is getting it right in the version we pass today.

In addition, the House-passed version omits any reference to a role for the Board in the creation of criteria and procedures for recommendations of nominees. The Senate-passed bill would have required the concurrence of the Board in the National Medal of Valor Office's establishing of those criteria. Again, I believe the Senate had it right and that is the version we pass today.

I hope that the proponents of proceeding in this manner and of making these changes in the language of the bill will explain to the Senate and the American people why we have had to wait over a year for action, why the Senate is being asked to act a second time on a bill strikingly similar to S. 39 but under a House number, and why each of these changes are necessary. I wish the House would have just passed S. 39.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

Many of us have worked on these issues for years. In 1984, we passed the Computer Fraud and Abuse Act to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act, ECPA, which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In 1994, the Violent Crime Control and Law Enforcement Act included the Computer Abuse Amendments which I authored to make illegal the intentional transmission of computer viruses.

In the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met. In the 105th Congress, Senators KYL and I also worked together on criminal copyright amendments that became law to enhance the protection of copyrighted works online.

The Congress must be constantly vigilant to keep the law up-to-date with technology. The Computer Crime Enforcement Act, S. 1314, and the Hatch-Leahy-Schumer ''Internet Security Act'' amendment are part of that ongoing effort. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement. The fact that this is a bipartisan effort is good for technology policy.

But make no mistake about it: even with passage of this legislation, there is more work to be done—both to assist law enforcement and to safeguard the privacy and other important constitutional rights of our citizens. I wish that the Congress had also tackled online privacy in this session, but that will now be punted into the next congressional session.

The legislation before us today does not attempt to resolve every issue. For example, both the Senate and the House held hearings this session about the FBI's Carnivore program. Carnivore is a computer program designed to advance criminal investigations by capturing information in Internet communications pursuant to court orders. Those hearings sparked a good debate about whether advances in technology, like Carnivore, require Congress to pass new legislation to assure that our private Internet communications are protected from government over-reaching while protecting the government's right to investigate crime. I look forward to our discussion of these privacy issues in the next Congress.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes.

Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in

the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

The Internet Security Act of 2000 makes progress to ensure that we are properly dealing with the increase in computer crime. I thank and commend Senators HATCH and SCHUMER for working with me and other Members of the Judiciary Committee to address some of the serious concerns we had with the first iteration of their bill, S. 2448, as it was originally introduced.

Specifically, as introduced, S. 2448 would have over-federalized minor computer abuses. Currently, federal jurisdiction exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of damage or cause another specified injury, including the impairment of medical treatment, physical injury to a person or a threat to public safety. S. 2448, as introduced, would have eliminated the $5,000 jurisdictional threshold and thereby criminalized a variety of minor computer abuses, regardless of whether any significant harm resulted.

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidently deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the original S. 2448, as introduced, this unauthorized access to the professor's computer would have constituted a federal crime.

Another example is that of a teenage hacker, who plays a trick on a friend by modifying the friend's vanity Web page. Under current law, no federal crime has occurred. Yet, under the original S. 2448, as introduced, this conduct would have constituted a federal crime.

As America Online correctly noted in a June, 2000 letter, ''eliminating the $5,000 threshold for both criminal and civil violations would risk criminalizing a wide range of essentially benign conduct and engendering needless litigation. . . .'' Similarly, the Internet Alliance commented in a June, 2000 letter that ''[c]omplete abolition of the limit will lead to needless federal prosecution of often trivial offenses that can be reached under state law. . . .''

Those provisions were overkill. Our federal laws do not need to reach each and every minor, inadvertent and harmless computer abuse—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate.

Prior Congresses have declined to over-federalize computer offenses as proposed in S. 2448, as introduced, and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> the Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect interstate or foreign commerce. (H. Rep. 98–894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that ''the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered.'' (S. Rep. 99–432, at p. 4, September 3, 1986).

The Hatch-Leahy-Schumer substitute amendment to S. 2448, which was reported unanimously by the Judiciary Committee on October 5th, addresses those federalism concerns by retaining the $5,000 jurisdictional threshold in current law. That Committee-reported substitute amendment, with the additional refinements reflected in the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46, which the Senate considers today, makes other improvements to the original bill and current law, as summarized below.

First, titles II, III, IV and V of the original bill, S. 2448, about which various problems had been raised, are eliminated. For example, title V of the original bill would have authorized the Justice Department to enter into Mutual Legal Assistance Treaties (MLAT) with foreign governments that would allow the Attorney General broad discretion to investigate lawful conduct in the U.S. at the request of foreign governments without regard to whether the conduct investigated violates any Federal computer crime law. In my view, that discretion was too broad and troubling.

Second, the amendment includes an authorization of appropriations of $5 million to the Computer Crime and Intellectual Property (CCIP) section within the Justice Department's Criminal Division and requires the Attorney General to make the head of CCIP a ''Deputy Assistant Attorney General,'' which is not a Senate-confirmed position, in order to highlight the increasing importance and profile of this position. This authorized funding level is consistent with an amendment I sponsored and circulated to Members of the Judiciary Committee to improve S. 2448 and am pleased to see it incorporated into the Internet Security Act amendment to H.R. 46.

Third, the amendment modifies section 1030 of title 18, United States Code, in several important ways, including providing for increased and enhanced penalties for serious violations of federal computer crime laws, clarifying the definitions of ''loss'' to ensure that the full costs to a hacking victim are taken into account and of ''protected computer'' to facilitate investigations of international computer crimes affecting the United States, and preserving the existing $5,000 threshold and other jurisdictional prerequisites for violations of section 1030(a)(5)—i.e., no Federal crime has occurred unless the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

The amendment clarifies the precise elements of the offense the government must prove in order to establish a violation by moving these prerequisites from the current definition of ''damage'' to the description of the offense. In addition, the amendment creates a new category of felony violations where a hacker causes damage to a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

Currently, the Computer Fraud and Abuse Act provides for federal criminal penalties for those who intentionally access a protected computer or cause an unauthorized transmission to a protected computer and cause damage. ''Protected computer'' is defined to include those that are ''used in interstate or foreign commerce.'' See 18 U.S.C. 1030(e)(2)(B). The amendment would clarify the definition of ''protected computer'' to ensure that computers which are used in interstate or foreign commerce but are located outside of the United States are included within the definition of ''protected computer'' when those computers are used in a manner that affects interstate or foreign commerce or communication of this country. This will ensure that our government will be able to conduct domestic investigations and prosecutions against hackers from this country who hack into foreign computer systems and against those hacking through the United States to other foreign venues. Moreover, by clarifying the fact that a domestic offense exists, the United States will be able to use speedier domestic procedures in support of international hacker cases, and create the option of prosecuting such criminals in the United States.

The amendment also adds a definition of ''loss'' to the Computer Fraud and Abuse Act. Current law defines the term ''damage'' to include impairment of the integrity or availability of data, programs, systems or information causing a ''loss aggregating at least $5,000 in value during any 1-year period to one or more individuals.'' See 18 U.S.C. § 1030(e)(8)(A). The new definition of ''loss'' to be added as section 1030(e)(11) will ensure that the full

costs to victims of responding to hacking offenses, conducting damage assessments, restoring systems and data to the condition they were in before an attack, as well as lost revenue and costs incurred because of an interruption in service, are all counted. This statutory definition is consistent with the definition of ''loss'' appended by the U.S. Sentencing Commission to the Federal Sentencing Guidelines (see U.S.S.G. §2B1.1 Commentary, Application note 2), and will help reconcile procedures by which prosecutors value loss for charging purposes and by which judges value loss for sentencing purposes. Getting this type of true accounting of ''loss'' is important because loss amounts can be used to calculate restitution and to determine the appropriate sentence for the perpetrator under the sentencing guidelines.

Fourth, subsection 3(e) of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 clarifies the grounds for obtaining damages in civil actions for violations of the Computer Fraud and Abuse Act. Current law authorizes a person who suffers ''damage or loss'' from a violation of section 1030 to sue the violator for compensatory damages or injunctive or other equitable relief, and limits the remedy to ''economic damages'' for violations ''involving damage as defined in subsection (e)(8)(A),'' relating to violations of 1030(a)(5) that cause loss aggregating at least $5,000 during any 1-year period. To take account of both the new definition of ''loss'' and the incorporation of this jurisdictional threshold into the description of the offense (rather than the current definition of ''damage''), the amendment strikes the reference to subsection (e)(8)(A) in the current civil action provision and retains Congress' previous intent to allow civil plaintiffs only economic damages for violations of section 1030(a)(5) that do not also affect medical treatment, cause physical injury, threaten public health and safety or affect computer systems used in furtherance of the administration of justice, the national defense or national security.

The Congress provided this civil remedy in the 1994 amendments to the Act, which I originally sponsored with Senator Gordon Humphrey, to enhance privacy protection for computer communications and the information stored on computers by encouraging institutions to improve computer security practices, deterring unauthorized persons from trespassing on computer systems of others, and supplementing the resources of law enforcement in combating computer crime. [See The Computer Abuse Amendments Act of 1990: Hearing Before the Subcomm. On Technology and the Law of the Senate Comm. On the Judiciary, 101st Cong., 2nd Sess., S. Hrg. 101–1276, at pp. 69, 88, 92 (1990); see also Statement of Senator Humphrey, 136 Cong. Rec. S18235 (1990) (''Given the Government's limited capacity to pursue all computer crime cases, the existence of this limited civil remedy will serve to enhance deterrence in this critical area.'')]. The ''new, civil remedy for those harmed by violations of the Computer Fraud and Abuse Act'' was intended to ''boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.'' [S. Rep. No. 101–544, 101st Cong., 2d Sess., p. 6–7 ( 1990); see also Statement of Senator LEAHY, 136 Cong. Rec. S18234 (1990)]. We certainly and expressly did not want to ''open the floodgates to frivolous litigation.'' [Statement of Senator LEAHY, 136 Cong. Rec. S4614 (1990)].

At the time the civil remedy provision was added to the Computer Fraud and Abuse Act, this Act contained no prohibition against negligently causing damage to a computer through unauthorized access, reflected in current law, 18 U.S.C. §1030(a)(5)(C). That prohibition was added only with subsequent amendments made in 1996, as part of the National Information Infrastructure Protection Act. Nevertheless, the civil remedy has been interpreted in some cases to apply to the negligent manufacture of computer hardware or software. Most notably See, e.g., Shaw v. Toshiba America Information Systems, Inc., NEC, 91 F. Supp. 2d 926 (E.D. TX 1999) (court interpreted the term transmission to include sale of computers with a minor design defect).

The Hatch-Leahy-Schumer Internet Security Act amendment adds a new sentence clarifying that civil actions may not be brought ''for the negligent design or manufacture of computer hardware, computer software, or firmware.'' This change should ensure that the civil remedy is a robust option for private enforcement actions, while limiting its applicability to cases that are more appropriately governed by contractual warranties, state tort law and consumer protection laws.

Fifth, sections 104 and 109 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 authorize criminal and civil forfeiture of computers, equipment, and other personal property used to violate the Computer Fraud and Abuse Act, as well as real and personal property derived from the proceeds of computer crime. Property, both real and personal, which is derived from proceeds traceable to a violation of section 1030, is currently subject to both criminal and civil forfeiture. See 18 U.S.C. §981(a)(1)(C) and 982(a)(2)(B). Thus, the amendment would clarify in section 1030 itself that forfeiture applies and extend the application of forfeiture to property that is used or intended to be used to commit or to facilitate the commission of a computer crime. In addition, to deter and prevent piracy, theft and counterfeiting of intellectual property, the section 109 of the amendment allows forfeiture of devices, such as replicators or other devices used to copy or produce computer programs to which counterfeit labels have been affixed.

The forfeiture amendments are based on the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §853) and chapter 46 of title 18, as revised this year by the Civil Asset Forfeiture Reform Act of 2000, and thereby build in all of the existing due process protections in existing law.

In particular, these provisions protect innocent property owners. Sections 104 and 109 subject to forfeiture only property which belongs to the person who knowingly violated the law, not innocent third parties whose property unbeknownst to them was used to violate the law. Under existing law, for example, a drug trafficker may avail herself of the facilities of a telephone company to communicate with her source of narcotics, send pager messages to drug confederates and signal the buyer by beeper when the sale is ready to be consummated, but the law does not authorize forfeiture of the facilities of the telephone company which was neither aware of nor intended the drug deal. Likewise, a rogue employee of an Internet access provider or other computer hacker or cyber-criminal will almost necessarily use the facilities of an Internet access provider to commit her violation, but Sections 104 and 109 do not authorize forfeiture of the provider's facilities simply because its facilities were used.

The criminal forfeiture provision in section 104 specifically states that only the ''interest of such person,'' referring to the defendant who committed the computer crime, is subject to forfeiture. Moreover, the criminal forfeiture authorized by Sections 104 and 109 is made expressly subject to Section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but subsection (d) of section 413 is expressly exempted from application to Section 104 and 109. That subsection (d) creates a rebuttable presumption of forfeiture in favor of the government where a person convicted of a felony acquired the property during the period that the crime was committed or within a reasonable time after such period and there was no likely source for such property other than the criminal violation. Thus, by making subsection (d) inapplicable, Sections 104 and 109 make it more difficult for the government to prove that the property should be forfeited.

Chapter 46 of title 18, to which the civil forfeiture provision of section 104 is expressly made subject, provides property owners with important safeguards from unwarranted forfeitures and government overreaching. First, the civil forfeiture law states that ''[n]o property shall be forfeited . . . to the extent of the interest of an owner or lien holder by reason of any act or omission . . . to have been committed without the knowledge of that owner or lien holder.'' 18 U.S.C. § 981(a)(2).

Furthermore, the chapter puts the burden on the government to prove forfeiture by a preponderance of the evidence, permits courts to appoint counsel to represent indigent owners where the owner is represented by a court-appointed attorney in a related federal criminal case, and permits recovery of attorney fees and costs for property owners not appointed counsel if they substantially prevail on their claim.

Sixth, the amendment contains certain provisions intended to deter computer crimes by juveniles. The amendment would permit federal prosecution, under 18 U.S.C. § 5032, of juveniles as juveniles upon certification by the Attorney General, after investigation, that the offense charged is one of the most serious felonious violations of our federal computer crime laws and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction. The computer crime offenses that would qualify for federal prosecution of a juvenile offender as a juvenile are: violations of 1030(a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(B) (intentionally accessing without authorization a federal government computer and obtaining information); (a)(3) (intentionally accessing without authorization a federal government computer and affecting the use by or for the government); and (a)(5)(A)(i) (knowingly causing the transmission of a program to intentionally cause damage without authorization to a protected computer).

The amendment would also authorize a judge to exercise discretion and impose as part of a sentence for a violation of the Computer Fraud and Abuse Act termination of or ineligibility for federal financial assistance for education at a post-secondary institution. The court is expressly authorized to reinstate such eligibility upon motion of the defendant.

Unlike the version reported by the Judiciary Committee, the amendment does not require that prior delinquency adjudications of juveniles for violations of the Computer Fraud and Abuse Act be counted under the definition of ''conviction'' for purposes of enhanced penalties. This is an improvement that I urged since juvenile adjudications simply are not criminal convictions. Juvenile proceedings are more informal than adult prosecutions and are not subject to the same due process protections. Consequently, counting juvenile adjudications as a prior conviction for purposes of the recidivist sanctions under the amendment would be unduly harsh and unfair. In any event, prior juvenile delinquency adjudications are already subject to sentencing enhancements under certain circumstances under the Sentencing Guidelines. See, e.g., U.S.S.G. § 411.2(d) (upward adjustments in sentences required for each juvenile sentence to confinement of at least sixty days and for each juvenile sentence imposed within five years of the defendant's commencement of instant offense).

Seventh, section 108 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would authorize the interception of wire and oral communications relating to computer fraud and abuse violations by expanding the enumerated list of predicate offenses that may support such authority to include felony violations of section 1030. Under current law, federal investigators and prosecutors have the authority to obtain an order for interception of electronic communications, such as e-mail, when investigating any felony, including a felony violation of Section 1030. Current law, however, does not permit federal investigators and prosecutors to intercept wire or oral communications in investigations of such crimes.

Section 108 addresses this anomaly by adding felony violations of Section 1030 to the list of federal crimes for which federal law enforcement officials may seek evidence by intercepting wire or oral communications. Applications for such interception are to be governed by the same stringent Title III requirements that govern all such applications. See 18 U.S.C. § 2510 et seq.

Some have objected to this provision, questioning the necessity of adding computer crimes to the list of crimes for which interception of wire and oral communications are authorized since this provision would, for example, permit government wiretapping for some relatively minor computer felonies. I disagree. We have come to rely on computers for everything from banking and stock-trading to travel reservations to our most intimate personal conversations with friends and family. Opportunists are exploiting our reliance on computers to advance fraudulent schemes or just for the sport of disruption. We have seen the global havoc that is threatened by a lone hacker transmitting a single virus. Giving law enforcement a full complement of tools to fight computer crime serves to protect the security, confidentiality and privacy of our computer communications and stored electronic information. That there are some computer felonies that are less serious than other computer felonies that might not be as worthy of a wiretap is true of all felonies. The stringent procedural requirements for wiretaps and the investment in time and resources necessary to execute a wiretap within the bounds of the law provide incentive for law enforcement to make prudent use of this important investigative tool in computer fraud and abuse cases.

Developments in technology have placed wire, oral and electronic communications on more equal footing in terms of frequency of use, expectation of privacy, and exploitation for criminal purposes. The law should recognize that more equal footing, particularly for electronic messages, and accord the same privacy safeguards to electronic communications as apply to both oral and wire communications. In fact, the Administration has proposed such changes in the legislation transmitted to the Congress in July, 2000 called the ''Enhancement of Privacy and Public Safety in Cyberspace Act.'' For example, the Administration's proposal would apply existing prerequisites for court-authorized wire communications, such as high-level official approval and investigation of an enumerated predicate offense (rather than any felony), to most electronic communications, such as e-mails and fax transmissions. Unfortunately, as I have noted, we have been unable to reach a consensus on privacy legislation in general or on this more specific instance where additional legislative attention is needed. These are matters that should be addressed.

Eighth, the amendment changes a current directive to the Sentencing Commission enacted as section 805 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, that imposed a 6-month mandatory minimum sentence for any conviction of the sections 1030(a)(4) or (a)(5) of title 18, United States code. The Administration has noted that ''[i]n some instances, prosecutors have exercised their discretion and elected not to charge some defendants whose actions otherwise would qualify them for prosecution under the statute, knowing that the result would be mandatory imprisonment.'' Clearly, mandatory imprisonment is not always the most appropriate remedy for a federal criminal violation, and the ironic result of this ''get tough'' proposal has been to discourage prosecutions that might otherwise have gone forward. The amendment eliminates that mandatory minimum term of incarceration for misdemeanor and less serious felony computer crimes.

Ninth, section 110 of the amendment directs the Sentencing Commission to review and, where appropriate, adjust sentencing guidelines for computer crimes to address a variety of factors, including to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts.

The Sentencing Guidelines already provide for enhanced penalties when persons obstruct or impede the administration of justice, see U.S.S.G. §3C1.1, or engage in more than minimal planning, see U.S.S.G. §2B1.1(b)(4)(A). As the use of encryption technology becomes more widespread, additional guidance from the Sentencing Commission would be helpful to determine the circumstances when such encryption use would warrant a guideline adjustment. For example, if a defendant employs an encryption product that

works automatically and transparently with a telecommunications service or software product, an enhancement for use of encryption may be not be appropriate, while the deliberate use of encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Tenth, section 105 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service (''Secret Service''). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. §1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than $5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

The Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

Section 105 of the Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 subject to agreement between the Secretary of the Treasury and the Attorney General. Section 105 also makes a stylistic change, describing the interagency agreement as ''between'' the Secretary of the Treasury and the Attorney General rather than one ''which shall be entered into by'' them.

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service' s jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the ''21st Century Law Enforcement and Public Safety Act,'' however, these specific enumerations of investigative authority ''have the potential to complicate investigations and impede interagency cooperation.'' (See Section-by-section Analysis, SEC. 3082, for ''21st Century Law Enforcement and Public Safety Act'').

The current restrictions, for example, risk hindering the Secret Service from investigating ''hacking'' into White House computers or investigating threats against the President that may be delivered by such a ''hacker,'' and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases.

Eleventh, section 107 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process requiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 107 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of $100 million for FY 2001, of which $20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

I am pleased to see the ''Protecting Seniors from Fraud Act'' pass as an amendment to this legislation. I was an original cosponsor of this bill, S. 3164, which Senator BAYH introduced on October 5, 2000, with Senators GRAMS and CLELAND. I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would ''be of assistance in a number of ways.'' I have urged the Chairman of the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS and CLELAND for working to take steps to improve the safety and security of America's seniors. We are doing the right thing today in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I also urge my colleagues to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

On March 27, 2000, the Senate passed H.R. 1658, the Civil Asset Forfeiture Reform Act of 2000. This was an important step forward and I want to thank Mr. HYDE, Mr. CONYERS and Senators SESSIONS, BIDEN, SCHUMER and all others who worked with us in good faith to enact these long overdue reforms. At the same time, there was some unfinished business in connection with this legislation that a Hatch-Leahy amendment to H.R. 46 completes.

The bill that the Senate passed by unanimous consent on March 27th was supposed to be a substitute amendment to H.R. 1658. I had been led to believe that the substitute was word-for-word that which I had painstakingly worked out over the preceding weeks for approval by the Senate Committee on the Judiciary the previous Thursday, March 23, 2000. Imagine my surprise to see reprinted in the RECORD the next day a substitute amendment at variance with the version to which I had agreed to and at variance with the language that had been circulated to and approved by the Committee.

Specifically, the agreed upon version of the bill would amend section 983(a)(2)(C) of title 18, United States Code, to describe what a claimant in a civil asset forfeiture case must state to assert a claim. The amendment to which I agreed and which the Judiciary Committee ''ordered reported'' requires that a ''claim shall—(i) identify the specific property being claimed; (ii) state the claimant's interest in such property; and (iii) be made under oath, subject to penalty of perjury.''

By contrast, the version of the amendment submitted to the Senate for passage contained the following additional clause in subparagraph (ii): ''state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''. I did not approve the language inserted in the version considered by the Senate and this language was not approved by the Judiciary Committee.

This inserted language is superfluous, at best, since the claim must already be made under oath and penalty of perjury. At worst, this inserted language is an invitation for mischief in an area where the record has already amply demonstrated overreaching by law enforcement agencies. For example, if a claimant provides only partial paperwork supporting a claim to property seized by the government, would the claim be subject to dismissal for failure to state a claim? If a claimant certifies that the claim is not frivolous, as required by the inserted language, and a court ultimately determines otherwise, would the claimant be put at risk of a perjury prosecution? Even the threat of such risks puts additional burdens on claimants and may dissuade claimants from filing claims.

For these reasons, I had objected to insertion of this language and approved a substitute amendment that did not contain this problematic insert. Moreover, the version of that substitute amendment ''ordered reported'' by the Judiciary Committee and in the Committee's official files simply does not contain that problematic insert.

We rely every day on each other and on the professionalism of our staffs. Having raised my concern about the change as soon as it was discovered, I am pleased that Chairman HATCH has worked with me to pass a correction to the law that strikes the language that was added without agreement.

## HERITAGE HARBOR MUSEUM NATIVE AMERICAN HISTORY

Mr. L. CHAFEE. Mr. President, today I rise to thank the chairman of the Senate Appropriations Subcommittee on Treasury and General Government, Senator CAMPBELL, for including funds for the National Historical Publications and Records Commission to provide a grant to the Heritage Harbor Museum in Providence for the development of the museum's Native American Story exhibit.

The funds will be used by the Museum and the local Native American community to research and catalog the history of the area's Native Americans in a cross-cultural context. As the chairman knows, Heritage Harbor revolves around the telling of our nation's history in an integrated environment. The museum will not focus on one ethnic or religious group but strive to present the independent and coexisting histories of many of our nation's peoples.

The task ahead for Heritage Harbor is a complex one, and I appreciate the committee underscoring the federal interest in the project by providing these funds. In order for the Native American perspective to be presented effectively, the museum will not only research records, data and artifacts, but it will also catalog the research and present it in formal exhibit fashion.

Is it the understanding of the Chairman that these funds are intended to be used for research and cataloging as well as exhibit presentation?

Mr. CAMPBELL. That is my understanding.

Mr. L. CHAFEE. Again, I thank the Senator for his interest in this project, and I look forward to inviting you to Rhode Island to see the results of the museum's effort.

## PASSAGE OF S. 1854

Mr. LEAHY. Mr. President, last Thursday, the Senate passed the Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the ''Hart-Scott-Rodino Antitrust Improvements Act,'' that will make significant improvements to this important antitrust law. Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Act of 1976 (HSR), requires companies that plan to merge to notify the Justice Department's Antitrust Division and the Federal Trade Commission of their intention and submit certain information. HSR pre-merger notifications provide advance notice of potentially anti-competitive transactions and allow the antitrust agencies to block mergers before they are consummated, which is easier than undoing them after-the-fact.

Since passage of the Hart-Scott-Rodino Act, this law has worked well to help the American economy flourish, despite larger and more complex mergers and consolidations within and among different industries. The Hatch-Leahy-DeWine-Kohl substitute amendment to S. 1854, the ''Hart-Scott-Rodino (HSR) Antitrust Improvements Act,'' will update this law and make it work even better.

Specifically, the substitute would raise the minimum threshold for the ''size of the transaction'' required to provide HSR notifications from $15,000,000 to $50,000,000. Thus, no pre-merger filing will be required if the transaction is valued at less than $50,000,000. A pre-merger filing would always be required if the size of the transaction is valued at more than $200,000,000. With regard to transactions valued at between $50,000,000 and $200,000,000, the amendment would require pre-merger filing if the total assets or net annual sales of one party are over $100,000,000 annually while the other party's total assets or net annual sales are over $10,000,000 annually. The thresholds may be adjusted by the FTC every three years to reflect the percentage change in the gross national product for that period. These threshold changes are supported by the antitrust agencies.

The remaining part of the substitute directs the Federal Trade Commission and the DOJ's Antitrust Division to implement regulations to improve the manner in which these agencies obtain information as part of the review of a proposed merger. The antitrust agencies do not object to these parts of the substitute amendment.

As explained in more detail below, this substitute addresses the most significant flaws in the original bill.

To appreciate the issues addressed in the bill, the pre-merger review procedures currently in effect must be understood. Upon receipt of the merger notification, the agency takes a ''quick look'' and determines whether to open a Preliminary Investigation, PI. A PI may take from a few weeks to several months to determine whether to close the PI or proceed with a Second Request or Civil Investigative Demand, CID, for additional information. Second Requests were issued in only 2.5 percent of reported transactions in 1999.

Under statutory time limits, the Second Request must be made within 30 days from the initial filing. In addition, only a single Second Request is allowed so it must be complete. This Second Request extends the waiting period before the merger may be completed for up to 20 days from the time that all responsive documents are submitted to the agency. Second requests for voluminous documents, combined with the requirement that ''all responsive documents'' have been supplied by the companies to the agency, can cause substantial delays in the waiting period and the time when a merger may be completed.

To address business concerns over broad second requests and the delay such requests may cause, the original bill substantially limited the scope of agencies' second requests and authorized judicial review of both the scope of and compliance with these critical requests, as detailed below.

First, the original bill would have limited the scope of second requests to information or documents ''not unreasonably cumulative or duplicative'' and that ''do not impose a burden or expense that substantially outweighs the likely benefit of the information to the agency.'' The antitrust agencies raised significant, valid questions about whether these limitations were workable. In particular, at the time a second request is issued, an agency generally cannot evaluate the cost/benefit tradeoff because it does not know the costs of production, and has only limited knowledge about the potential benefits of the information for the investigation (in part because the anticompetitive issues are often still indefinite). The documents themselves provide this information.

The bill would also have required the antitrust agency to provide, with each second request, a specific summary of the competitive concerns presented by the proposed acquisition and the relation between such concerns and the second request specifications. The antitrust agencies questioned this requirement because anticompetitive concerns are still often general and evolving at the time a second request is issued. Consequently, a specific summary may not be possible at that time and would likely be incomplete since additional competitive concerns may be discovered during the investigation. Furthermore, according to the agencies, this requirement was unnecessary since they ordinarily provide a general explanation of their concerns and provide more specific information as it develops, in face-to-face conferences between parties (or their counsel) and investigating staff.

Second, the original bill would have limited the agencies' ability to claim that the production of documents in response to a second request is deficient only if the deficiency ''materially impairs the ability of the agency to conduct a preliminary antitrust review.'' This proposed standard for claiming deficiency (that is, for requiring further document production) is higher than the ordinary standard for discovery and would limit the agency's ability to investigate, especially given HSR's stringent time frames and the fact that the second request is the single opportunity to seek information in a premerger review. This could have seriously harmed the agency's posture in court, as courts often examine the entire substance of the agency's case even in a preliminary injunction action.

Finally, the original bill would have authorized a merging company to seek review by a magistrate judge of both the scope of the second request and any claim of deficient production. The magistrate was required to apply the scope and deficiency standards described above, which impose more limits on antitrust agencies than general civil discovery rules. Moreover, magistrates were unlikely to be familiar with the types of information that form the basis for the complex antitrust analysis required in predicting likely future competitive effects of a proposed transaction—a shortcoming with possible adverse consequences for antitrust agencies seeking relevant information for an investigation since

this experience is particularly important in light of HSR's special time constraints and the agencies' single opportunity to seek documents prior to the merger.

The substitute amendment eliminates these three problematic procedural limitations on the second request investigation process contained in the original bill. Instead, the Hatch-Leahy-DeWine-Kohl substitute amendment directs the agencies to reform the merger review process to eliminate unnecessary delay, costly duplication and undue delay. In addition, the agencies are directed to designate senior officials within the agencies to review the second requests to determine whether the requests are burdensome or duplicative and whether the request has been substantially complied with by the merging companies.

These changes are consistent with reforms that the FTC and Antitrust Division already have underway. Indeed, the FTC on April 5, 2000, and the Antitrust Division the next day, announced their adoption of new procedures and other initiatives to improve the premerger ''second request'' investigation process to make the process more efficient for both businesses and the agencies. I commend both agencies for their efforts in this regard and look forward to working with them to ensure that implementation of their regulations proceeds smoothly.

The Hatch-Leahy-DeWine-Kohl substitute amendment also imposes a reporting requirement on the FTC to provide the Congress with information on the number of HSR notices filed and on the reviews conducted by the antitrust agencies.

The antitrust agencies did not support the fee structure in the Committee reported bill since, in their view, the level of fees authorized in the substitute amendment would not provide them with the ability to collect sufficient fees to meet their budget request for FY 2001. Although these agencies are funded by direct appropriations and not by their fees, the reality is that the appropriations to these agencies usually corresponds to the level of the fees collected. Nevertheless, the Committee reported bill authorized the collection of sufficient fees to be revenue neutral and at a level that would enable the agencies, according to the CBO, to collect fees at a level amounting to an increase of ten percent over the agencies' last year's budget.

The Hatch-Leahy-DeWine-Kohl substitute amendment eliminates reference to the revised fee structure. I intend to work with my colleagues and the antitrust agencies, as I have in the past, to ensure that they receive all the funding necessary to support their mission and carry out their important work through the appropriations process.

## THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. WYDEN. Mr. President, I am pleased to be the original cosponsor of the Savage Rapids Dam Act of 2000, introduced by my friend and colleague from Oregon, Senator GORDON SMITH.

This legislation is another good example of the Oregon way: bringing together varied interests to get win-win results for all stakeholders. Born out of controversy concerning the detrimental effects of the Savage Rapids Dam on fish passage and survival, this legislation is now supported by the Grants Pass Irrigation District, Waterwatch, Oregon's Governor Kitzhaber, Trout Unlimited, and various Oregon river guide and sport fishing concerns.

The winners under this legislation are Oregon's environmental and agricultural interests. The legislation begins the important process of restoring salmon habitat on the Rogue River, while retaining access to necessary irrigation water from the Rogue River for the Grants Pass Irrigation District. The legislation authorizes the acquisition by the Secretary of Interior of the Savage Rapids Dam for the purpose of removing the Dam to promote the recovery of coastal salmon. But prior to that acquisition, the legislation directs the Secretary of Interior, through the Bureau of Reclamation, to design and install modern electric irrigation pumps for the Grants Pass Irrigation District so they may continue to access Rogue River water for crop irrigation, as they have done since 1921.

This legislation is good for irrigators: by maintaining water accessibility, it will help sustain local agricultural businesses. It is good for fish because it takes important steps toward habitat restoration by authorizing Dam removal as well as the monitoring, mitigation, and restoration activities necessary to restore the fish population in on the Rogue River.

I look forward to continuing to improve the legislation with my colleagues in the Senate and the stakeholders at home. As I work over the recess and on into the next Congress on this issue, I know, eventually, we will have another win for the Oregon way.

## RESOLUTION FOR SUBPOENA TO SECRETARY RICHARDSON

Mr. LEAHY. Mr. President, during the last presidential debate, Governor Bush told the American people, as he has frequently during the campaign, that if he and Republicans are in control, there will be a more even-handed, cordial and respectful atmosphere in Washington and less partisan politics. I know that Governor Bush has tried to cast himself as a Washington outsider, so maybe he has not been paying attention to how the Republican majority here in Washington has been doing things these past few years. A resolution on the agenda for the final two meetings of the Judiciary Committee in this Congress might help bring Governor Bush up to speed.

That resolution proposed by the Republican leadership of the Judiciary Subcommittee on Administrative Oversight and the Courts sought to authorize issuance of a subpoena compelling Department of Energy Secretary Bill Richardson to testify before the Subcommittee about the investigation and prosecution of Wen Ho Lee and provide thirteen different categories of documents. Under the proposed resolution, if by November 8, 2000, Secretary Richardson did not agree to testify and provide the demanded documents, the subpoena would be authorized. This resolution was ultimately not brought to a vote due to the lack of the requisite quorum, sparing the Judiciary Committee from making an unnecessary and embarrassing demand for which the only enforcement mechanism is a contempt trial in the Senate.

It might appear from the targets of this subpoena resolution, namely, Secretary Richardson and the Department of Energy, that the Judiciary Committee and the Subcommittee on Administrative Oversight and the Courts are charged with oversight of the Department of Energy (DOE). In fact, the Republicans have proposed this resolution as part of the Subcommittee's oversight of the Justice Department. While the Department of Energy may have information helpful to an understanding of the Justice Department's handling of the Lee case, the manner in which the Republican majority has chosen to proceed both with regard to Secretary Richardson and other matters before the Subcommittee have been marked by an unprecedented political intervention in pending criminal matters and second-guessing of the handling of certain cases by federal agencies.

For example, the majority on the Senate Judiciary Committee has broken from tradition and called line assistants to testify before the Subcommittee, questioned federal judges about pending cases over which they are presiding, attempted to exact assurances that particular cases will be handled particular ways, and made public internal and confidential recommendations by senior prosecutors to the Attorney General on how to proceed in ongoing investigations. The Subcommittee's earlier intervention in the Waco matter prompted a rebuke from Special Counsel Jack Danforth, who wrote to the Senate Judiciary Committee twice in September, 1999, requesting that the Committee ''conduct its inquiries in a way that does not undermine the work of the Special Counsel.'' I should note that the Subcommittee on Administrative Oversight and the Courts persisted in seeking documents from the Department of Justice on the Waco matter, and that 250 boxes of Waco documents produced by the Department of Justice sit largely unopened in Judiciary Committee offices.

Let me help bring Governor Bush up to speed with the most recent example of how the majority is conducting itself. Sponsors of this subpoena resolution made it sound as if a subpoena were necessary because Secretary Richardson had been dodging a discussion of the Lee case since March 2000. Indeed, a sponsor of the subpoena resolution stated at a Judiciary Committee meeting on October 5, 2000, that ''[t]he efforts to secure Secretary Richardson's attendance go back to March of this year when we requested his appearance and he declined, with comments about his unavailability on a specific date.''

Yet, as some Republicans have even acknowledged, from December 1999 until just six weeks ago when Dr. Lee pled guilty, the Committee was honoring FBI Director Freeh's urgent request that the Committee suspend review of Dr. Lee's case during the pendency of the criminal prosecution so as not to compromise the case.

When former Senator Danforth testified to Congress about his independent investigation of the tragic raid on the Branch Davidian compound in Waco, Texas, he commented that, ''We have totally overblown our willingness to just trash people.'' Senator Danforth said about those who make reckless claims of government misconduct and who grandstand on matters of public importance: ''The wrong information was presented to the American people and it caused a real shaking of confidence of people in their government . . . When people make dark charges—I mean really, really serious charges—the people who make the charges should bear some kind of burden of proof before we all buy into them.'' His words have not been sufficiently heeded by the majority in this Congress, as this unwarranted and scurrilous subpoena resolution directed at Secretary Richardson makes clear.

Governor Bush may also not be aware of the following: Despite Director Freeh's request that the Congress suspend the Lee hearings during pendency of the case, and the Judiciary Committee's honoring of that request, an interim report on the Lee matter was issued by a Republican Member in March 2000. He did so over the written objections of a Member of his own party, who expressed concern about the haste of issuing the report despite an incomplete investigation and the lack of a consensus in the Judiciary Committee about key matters.

The Committee's suspension of its inquiry into this matter was lifted only six weeks ago, September 13, 2000, when Dr. Lee pled guilty and was sentenced. The March 2000 hearing to which Secretary Richardson was invited, but for which he had a conflict, was not about the facts of Dr. Lee's case, but legislation on which the Judiciary Committee was then working.

It might help Governor Bush size up the source of partisan bickering in Washington if he were aware of how the Senate Judiciary Committee was rushing to issue a subpoena to a cabinet secretary, even though Members of his own party acknowledge that the complete story of the Lee matter will not and cannot come out for some time. I concur with Senator GRASSLEY's comments on October 3, 2000, at a hearing conducted by the Subcommittee on Administrative Oversight and the Courts on the Lee matter: ''For now, Dr. Lee's side of the story is on hold. That is because his attorneys have asked that his side be told only after he is debriefed by the government. We also asked to interview Judge Parker about his views of the case but Judge Parker declined our invitations, so the public is not going to get the full picture, which may not come into view for some time yet.''

Nonetheless, for Secretary Richardson, a high-ranking member of this Administration, the Judiciary Committee was asked to authorize a subpoena and get him before Congress immediately in an apparent effort to make it seem as though he is dodging congressional oversight, even though by Senator GRASSLEY's candid admission that Congress will not have the full picture of Dr. Lee's case ''for some time.''

In fact, the investigation of Dr. Lee remains open with intense debriefings ongoing. The agencies involved are rightfully sensitive that the debriefings of Dr. Lee are not complete and concerned that public discussion of the case not jeopardize the debriefings or future steps in the case.

Republicans have not shown similar interest in oversight of other open criminal matters about which the American people might truly want all the facts immediately and certainly before Election Day. For example, no effort by the majority has been made to get to the bottom of ''Debategate,'' the mailing of Bush debate preparation materials to the Gore campaign. That incident might be a third-rate mail fraud, but it might also be serious campaign misconduct of the type we saw during the Watergate scandal. Some have speculated that it was a dirty trick by the Bush campaign to set up the Vice President. I have heard nothing from the Republicans about the matter. I have heard no outrage that Governor Bush and his campaign aides are not being put under oath or dragged before grand juries to get to the bottom of the scandal. In contrast to the majority's preference to investigate rather than legislate, their silence on the Debategate case is deafening. On that investigation, the Republicans are happy to allow the ongoing criminal investigation to take its course. But not here, where the important debriefings of Dr. Lee are sensitive and ongoing.

The fact is that in the six short weeks since Dr. Lee pled guilty, the Department of Energy has been extremely cooperative, just as the Department of Energy was cooperative with other committees' previous reviews of the Lee matter.

At the first hearing on the matter after Dr. Lee pled guilty, the Judiciary Committee's joint hearing with the Senate Committee on Intelligence on September 26th, Deputy Secretary T.J. Glauthier of the Department of Energy appeared to testify in place of Secretary Richardson because the Secretary was testifying before another committee. Secretary Richardson agreed to testify at that afternoon's closed session when he would be available, but no such afternoon session was conducted. At the second hearing on September 27th, DOE Security Chief Edward Curran appeared to testify.

At the third hearing on October 3rd, DOE computer specialist Ronald Wilkins appeared to testify. In addition, the Subcommittee on Administrative Oversight and the Courts heard from Los Alamos officials Dr. Stephen Younger and former officials Robert Vrooman and Notra Trulock. In sum, Department of Energy has provided witnesses before a total of 11 House and Senate committees and has provided testimony 37 times in hearings and briefings on the Lee case and related espionage and security matters in the past two years.

Moreover, the thirteen categories of documents called for in the subpoena resolution— to the extent not already produced—were requested only a few days before the subpoena was sought. A chronology of the relevant events shows that the Department of Energy has made and is making every effort to produce documents.

On November 17, 1999, the Republicans on the Judiciary Committee approved a resolution to issue subpoenas to five cabinet secretaries, including Secretary Richardson, containing a general request for all documents related to Wen Ho Lee and three other matters. Because the Judiciary Committee a few short weeks later, in December 1999 honored Director Freeh's request that the Committee suspend inquiry of the Lee matter, no subpoena was ever issued and forwarded, and it is unclear whether that document request was ever communicated to the Department of Energy.

On September 13, 2000, Dr. Lee pled guilty and was sentenced.

On September 28, 2000, Senator SPECTER wrote to DOE requesting that five pages of a DOE Inspector General report be declassified, but making no other request for documents. My understanding is that the request was honored.

On September 29, 2000, Senator SPECTER wrote a letter directly to Secretary Richardson enclosing follow-up written questions to DOE's Security Chief Edward Curran, who testified before the subcommittee on September 27th. Neither the letter to Secretary Richardson nor the questions to Mr. Curran contained any request for documents.

On October 3, 2000, Senator SPECTER wrote to both Secretary Richardson and the Attorney General requesting

documents relating to Dr. Lee's claim of racial profiling that the prosecution would have been required to submit to Judge Parker for in camera review had Dr. Lee not pled guilty. DOE has produced materials in response to that request.

On October 5, 2000, Secretary Richardson met with Senator SPECTER and discussed the case. My understanding is that Senator SPECTER's staff thereafter orally requested five documents or files from DOE Chief Larry Sanchez.

On October 12, 2000, Senator SPECTER asked the Judiciary Committee to approve a resolution authorizing a subpoena for Secretary Richardson's testimony. That resolution contained no request for documents.

Finally, on the evening of October 16, 2000, Senator SPECTER wrote a letter to Secretary Richardson listing the thirteen categories of documents sought by the subpoena resolution.

Despite that record of the DOE's good faith, on October 19, 2000, less than two weeks since Senator SPECTER's office made an oral request of Mr. Sanchez for five documents or files and just three days since Senator SPECTER submitted his list of thirteen categories of documents, the Republicans sought a resolution seeking issuance of a subpoena. The Department of Energy has made three deliveries of materials over the past two weeks, and I have no doubt that the Department of Energy will continue to comply with these document requests and act in good faith. Moreover, I understand that Secretary Richardson has met recently with Senator SPECTER and with Chairman HATCH to discuss the facts of the case. Far from dodging congressional oversight, the Secretary has made himself available for such meetings in the midst of recent crises over the price of oil.

The sponsors of the subpoena resolution advanced three reasons to justify its issuance. They claimed that the Judiciary Subcommittee on Administrative Oversight and the Courts needs to hear immediately from Secretary Richardson so that he may (1) respond to allegations that the Department of Energy was to blame for the delay between April 1999, when Dr. Lee's residence was searched and evidence of his downloading was seized, and December 1999, when he was indicted; (2) explain why his signature was purportedly on the order to put Dr. Lee in leg irons; and (3) respond to allegations made by DOE's former intelligence chief Notra Trulock at an earlier Congressional hearing that he had been told by New York Times reporter James Risen that Secretary Richardson had leaked Dr. Lee's name. Based on the record, as I understand it, these three claims are unsupportable. First, between April and December 1999, numerous agencies participated in sorting out a hugely complex case, analyzing a million computer files, interviewing a thousand people, and assessing the sensitive question of how to prosecute Dr. Lee in a public courtroom without publicly disclosing the nuclear secrets that he downloaded.

As to the second claim, Secretary Richardson wrote to the Attorney General certifying, as required by a federal regulation, that national security would be threatened if Dr. Lee communicated classified information to a confederate, and requesting that she direct prison authorities to implement whatever measures might be appropriate to prevent such communication while Dr. Lee was in custody. Secretary Richardson did not order leg irons. To the contrary, Secretary Richardson noted his understanding that ''the conditions of [Dr. Lee's] confinement are in no respect more restrictive than those of others in the segregation unit of the detention facility,'' and he emphasized his concern that Dr. Lee's civil rights be scrupulously honored.

As to the third claim, my understanding is that, immediately after the hearing at which Mr. Trulock testified, Mr. Risen walked up to Mr. Trulock and said that he had never told Mr. Trulock any such thing about Secretary Richardson. In addition, Secretary Richardson has already categorically denied the allegation.

These reasons are hardly a basis for taking the extraordinary step of authorizing the issuance of a subpoena for a member of the President's cabinet.

At the Judiciary Committee's meeting on October 19, 2000, it was suggested that Chairman HATCH might have the authority to issue a subpoena for Secretary Richardson pursuant to a resolution which the Republicans on the Committee approved in November 1999. The Democrats opposed that resolution in part because a subpoena might interfere with the ongoing investigation of Dr. Lee. Over the Democrats' objection, that partisan resolution was rushed through the Judiciary Committee by the majority precipitously and was never executed. Indeed, just a few weeks later, Director Freeh made his urgent request that the Committee suspend its inquiry into the Lee matter during the pendency of the criminal case.

As it related to the Department of Energy, the partisan resolution authorized issuance of a subpoena to Secretary Richardson for documents, not his personal appearance. As for the documents, the resolution authorized issuance of a subpoena for all documents related to DOE's investigation of Dr. Lee and identified just two particular documents that were sought. That resolution did not identify the thirteen categories of documents for which authorization was sought in the last meetings of the Judiciary Committee.

Since the Judiciary Subcommittee on Administrative Oversight and the Courts began its oversight of the Justice Department, no fewer than nine subpoenas have been authorized for cabinet secretaries, not including a subpoena for Secretary of State Madeleine Albright in connection with Elian Gonzalez which was authorized and later rescinded.

If the American people want to test the credibility of Governor Bush's claim about the kinder and gentler America that he claims only a Republican-led government can bring to our nation, they should examine the record of the oversight efforts by Republican-led Judiciary Committee and its Subcommittee on Administrative Oversight and the Courts.

## ADDITIONAL STATEMENTS

### CELEBRATING THE PUBLICATION OF EARLY ART AND ARTISTS IN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, I rise today to address a subject very close to my heart. Not long after my wife, Sharon, and I settled in West Virginia, my father presented me with a wonderful painting of the Kanawha River by Frederic Edwin Church, one of America's greatest nineteenth-century landscape painters. Thoroughly delighted with the painting, I became curious to know more about West Virginia's art history. What I discovered was a rich and varied tradition of artists, musicians and authors. Indeed, we in West Virginia have much to be proud of in the fields of fine art, music and literature, as well as theater, dance and architecture.

However, there has persisted a distinct lack of documentation of West Virginia's artistic tradition. That is, until now, with the publication of the groundbreaking book, Early Art and Artists in West Virginia. Compiled and narrated by Dr. John A. Cuthbert, in cooperation with West Virginia University Press, this book is the first of its kind. This wonderful compendium finally establishes a foundation upon which we can begin to explore the history of art in West Virginia, and examine the important contributions the state has made to the world of fine art.

Dr. Cuthbert offers us a richly illustrated explanation of the development of portrait and landscape painting, as well as lesser genres in the state. He has also compiled a directory of nearly one thousand artists who are a part of this special history, providing both teachers and scholars with an invaluable tool for further study. From the many visiting and native artists who worked in the panhandles in the early nineteenth century, to the members of the Hudson River School who delighted in the state's virgin forests several decades later, all are present in this remarkable volume.

The lovely portrait of Sophie B. Colston that graces the book's cover is but a sample of the caliber of their work. Set in a landscape that every West Virginian will recognize, this

masterpiece by Berkeley County's William Robinson Leigh suggests the underlying message of this book—that sophistication and elegance have long been a part of the state's celebrated mountain folk culture.

Since receiving Church's study of the Kanawha River from my father, I have continued to be intrigued by the fine art inspired by and produced in my adopted state. Few American communities the size of Charleston and Wheeling can boast symphony orchestras as accomplished as those found in these cities. Rebecca Harding Davis, Melville Davisson Post, Pearl S. Buck, Davis Grubb and Jayne Anne Phillips are but a few of the West Virginians who have contributed to the great canon of American literature. This uplifting part of our heritage deserves to be much better known. Early Art and Artists in West Virginia is a remarkable contribution toward this end. Thank you, John Cuthbert and West Virginia University Press, for this wonderful and important book.●

## IN RECOGNITION OF THE RETIREMENT OF DR. JAMES HENDRICKS

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. James Hendricks, who is retiring this year from a career in education which spanned 43 years, and included 33 years of dedicated service to Northern Michigan University in Marquette, Michigan. For the past 22 years, Dr. Hendricks has served as Director of the School of Education there, and in this capacity he has illustrated to fellow professors and students alike that, while there is no single formula for successful education, there is a single foundation—caring deeply for each and every student in the classroom.

Dr. Hendricks grew up on a farm in rural Indiana. As a child, his interests were extremely atypical. He loved the opera and classical music, and often chose to read a book during recess while his classmates played games. His experiences at school were to help him later in life, as he gained a sensitivity towards children with different interests, and developed educational strategies with the goal of ''just and inclusive classrooms.''

Dr. Hendricks graduated from the University of Indiana, where he studied English, Philosophy, History and Spanish, in 1957. Following his graduation, he turned down a job at his local bank to teach elementary school in Southport, Indiana. He immediately knew that he had made the right decision, and it did not take long for him to fall in love with teaching. His goal during those years was to help ''all children find a happiness in being in that classroom.''

Recognizing a need to further his own education, Dr. Hendricks returned to the University of Indiana after three years of teaching in Southport. In 1962, he received his Master's Degree in History and Education. He then spent three years in Bloomington as both a graduate assistant and research fellow before coming to Marquette to serve as an Assistant Professor at Northern Michigan from 1965–67.

In 1968, he returned to the University of Indiana, and received his Doctoral Degree in History and the Philosophy of Education. Following this, he accepted a position as Assistant Professor in the Department of Education at Portland State University, and during his time there helped the university set up its educational doctoral program. In 1969, Dr. Hendricks returned to Marquette and the faculty of Northern Michigan University.

During Dr. Hendricks' tenure at Northern Michigan, the Education Department has been rejuvenated. Admission standards for students have been elevated and the curriculum has been deepened. From the time that they decide they want to be teachers, students are required to gain hands-on experience in classrooms throughout Marquette County, where they learn from proven teachers, as well as from students. In addition, veteran elementary and secondary school teachers have joined the University's faculty in an effort to assist student teachers. All of this equates to students graduating the Education Department who are experienced and knowledgeable enough to immediately handle the pressure and responsibility of having their own classroom.

Dr. Hendricks' good works within the community were surpassed only by those of his wife, Sandra. Mrs. Hendricks greatly impacted the City of Marquette with her volunteerism, while at the same time remaining a devoted mother to the couple's three children. Before her death in 1998, she spent time baking brownies for cancer patients at Beacon House in Marquette, and then brightening their days by hand delivering the goods and staying to chat with the patients. She loved Christmas and each year sponsored the Alternative Gifts Fair, which benefitted Third World artists. The event still takes place each December at St. Paul's Episcopal Church.

Mr. President, I applaud Dr. Hendricks on an extraordinary career in education. The key to his success has been nothing more than a strong desire to see his Department and his students succeed to the utmost of their potential. Because of this desire, the Northern Michigan University Education Department not only has a profound impact on the quality of education offered to students in the Upper Peninsula, but throughout the entire State of Michigan. On behalf of the United States Senate, I thank Dr. James Hendricks for the many beneficial things he accomplished during his career, and wish him the best of luck in retirement.●

## NATIONAL HISTORY DAY

Mr. LEAHY. Mr. President, I rise today to recognize an outstanding history education program in Vermont and throughout the United States. National History Day is a year-long nonprofit program through which students in grades 6–12 research and create historical projects related to a broad theme, culminating in an annual contest. This year's National History Day theme, Frontiers in History: People, Places, Ideas, encompasses endless possibilities for exploration. Each year more than 500,000 students participate in this nationwide event that encourages students to delve into various facets of world, national, regional, or local history and to produce original research projects.

By encouraging young Vermonters to take advantage of the wealth of primary historical resources available to them, students are able to gain a richer understanding of historical issues, ideas, people and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, posters, maps, artifacts, sound recordings and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem solving skills that will help them manage and use information.

In June I had the pleasure of meeting with the 25 winners of this year's Vermont History Day contest here in Washington as they participated in the national contest held at the University of Maryland. These impressive students represent the great benefit of fostering and encouraging academic curiosity in our youth. Every student in Vermont should have the opportunity to participate in this enriching experience. I commend the coordinator of our state program, the Vermont Historical Society, for its commitment to expanding History Day in Vermont. The National History Day program is a truly great asset to Vermont educators and students in their quest for educational excellence.

## MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness.''

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil

War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The message also announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3595. An act to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5086. An act to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 1508. An Act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1509. An Act to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

S. 2440. An Act to amend title 49, United States Code, to improve airport security.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Licensing Operation of a Non-Federal Launch Site; request for comments on handling of solid propellants and cooperation with the NRSB; docket No. FAA–1999–5833 [10–19/10–23]'' (RIN2120–AG15) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways in the vicinity of Dallas/Fort Worth; TX; docket No. 00ASW–6 [10–16/10–23]'' (RIN2120–AA66) (2000–0246) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives: Bombardier Model C1 600 1A11 and CL 600 2A12 Series Airplanes; docket No. 99–NM–26 [10–16/10–23]'' (RIN2120–AA64) (2000–0501) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 Series Airplanes; docket No. 2000–NM–286 [10–11/10–23]'' (RIN2120–AA64) (2000–0499) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 Series Airplanes; docket No. 2000–NM–312 [10–16/10–23]'' (RIN2120–AA64) (2000–0498) received on October 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11287. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–55) received on October 23, 2000; to the Committee on Finance.

EC–11288. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Greece; to the Committee on Foreign Relations.

EC–11289. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a waiver and certification of statutory provisions regarding the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC–11290. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 1999 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expenses of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

Coast Guard nominations beginning Janet B. Gammon and ending Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

Coast Guard nominations beginning Mark S. Telich and ending Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2000.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 3230. A bill to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs; considered and passed.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S.J. Res. 55. A joint resolution to change the Date for Counting Electoral Votes in 2001; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 381. A resolution designating October 16, 2000, to October 20, 2000, as ''National Teach For America Week''; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER):

S. Res. 382. A resolution recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina; considered and agreed to.

By Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DEWINE, and Mr. DODD):

S. Con. Res. 155. A concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country; considered and agreed to.

## STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. EDWARDS (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3228. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

THE RURAL RENTAL HOUSING ACT OF 2000

Mr. EDWARDS. Mr. President, I rise to introduce legislation to promote the development of affordable, quality rental housing for low-income households in rural areas. I am pleased, along with Senator JEFFORDS and Senator LEAHY, to introduce the ''Rural Rental Housing Act of 2000.''

There is a pressing and worsening need for quality rental housing for rural families and senior citizens. As a group, residents of rural communities are the worst housed of all our citizens. Rural areas contain approximately 20 percent of the nation's population as compared to suburbs with 50 percent. Yet, twice as many rural American families live in bad housing than in the suburbs. An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

Substandard housing is a particularly grave problem in the rural areas of my home state of North Carolina. Ten percent or more of the population in five of North Carolina's rural counties live in substandard housing. Rural housing units, in fact, comprise 60 percent of all substandard units in the state.

Even as millions of rural Americans live in wretched rental housing, millions more are paying an extraordinarily high price for their housing. One out of every three renters in rural America pays more than 30 percent of his or her income for housing; 20 percent of rural renters pay more than 50 percent of their income for housing.

Most distressing is when people living in housing that does not have heat or indoor plumbing pay an extraordinary amount of their income in rent. Over 90 percent of people living in housing in the worst conditions pay more than 50 percent of their income for housing costs.

Unfortunately, our rural communities are not in a position to address these problems alone. They are disproportionately poor and have fewer resources to bring to bear on the issue. Poverty is a crushing, persistent problem in rural America. One-third of the non-metropolitan counties in North Carolina have 20 percent or more of their population living below the poverty line. In contrast, not a single metropolitan county in North Carolina has 20 percent or more of its population living below the poverty line. Not surprisingly, the economies of rural areas are generally less diverse, limiting jobs and economic opportunity. Rural areas have limited access to many forces driving the economy, such as technology, lending, and investment, because they are remote and have low population density. Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment. Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

Given the magnitude of this problem, it is startling to find that the federal government is turning its back on the situation. In the face of this challenge, the federal government's investment in rural rental housing is at its lowest

level in more than 25 years. Federal spending for rural rental housing has been cut by 73 percent since 1994. Rural rental housing unit production financed by the federal government has been reduced by 88 percent since 1990. Moreover, poor rural renters do not fair as well as poor urban renters in accessing existing programs. Only 17 percent of very low-income rural renters receive housing subsidies, compared with 28 percent of urban poor. Rural counties fared worse with Federal Housing Authority assistance on a per capita basis, as well, getting only $25 per capita versus $264 in metro areas. Our veterans in rural areas are no better off: Veterans Affairs housing dollars are spent disproportionately in metropolitan areas.

To address the scarcity of rural rental housing, I believe that the federal government must come up with new solutions. We cannot simply throw money at the problem and expect the situation to improve. Instead, we must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private and nonprofit sectors to make headway. We must leverage our resources wisely to increase the supply and quality of rural rental housing for low-income households and the elderly.

Senator JEFFORDS, Senator LEAHY, and I are proposing a new solution. Today, we introduce the Rural Rental Housing Act of 2000 to create a flexible source of financing to allow project sponsors to build, acquire or rehabilitate rental housing based on local needs. We demand that the federal dollars to be stretched by requiring State matching funds and by requiring the sponsor to find additional sources of funding for the project. We are pleased that over 70 housing groups from 26 states have already indicated their support for this legislation.

Let me briefly describe what the measure would do. We propose a $250 million fund to be administered by the United States Department of Agriculture (USDA). The funds will be allotted to states based on their shares of rural substandard units and of the rural population living in poverty. We will leverage federal funding by requiring states or other non-profit intermediaries to provide a dollar-for-dollar match of project funds. The funds will be used for the acquisition, rehabilitation, and construction of low-income rural rental housing.

The USDA will make rental housing available for low-income populations in rural communities. The population served must earn less than 80 percent area median income. Housing must be in rural areas with populations not exceeding 25,000, outside of urbanized areas. Priority for assistance will be given to very low income households, those earning less than 50 percent of area median income, and in very low-income communities or in communities with a severe lack of affordable housing. To ensure that housing continues to serve low-income populations, the legislation specifies that housing financed under the legislation must have a low-income use restriction of not less than 30 years.

The Act promotes public-private partnerships to foster flexible, local solutions. The USDA will make assistance available to public bodies, Native American tribes, for-profit corporations, and private nonprofit corporations with a record of accomplishment in housing or community development. Again, it stretches federal assistance by limiting most projects from financing more than 50 percent of a project cost with this funding. The assistance may be made available in the form of capital grants, direct, subsidized loans, guarantees, and other forms of financing for rental housing and related facilities.

Finally, the Act will be administered at the state level by organizations familiar with the unique needs of each state rather than creating a new federal bureaucracy. The USDA will be encouraged to identify intermediary organizations based in the state to administer the funding provided that it complies with the provisions of the Act. These intermediary organizations can be states or state agencies, private nonprofit community development corporations, nonprofit housing corporations, community development loan funds, or community development credit unions.

This Act is not meant to replace, but to supplement the Section 515 Rural Rental Housing program, which has been the primary source of federal funding for affordable rental housing in rural America from its inception in 1963. Section 515, which is administered by the USDA's Rural Housing Service, makes direct loans to non-profit and for-profit developers to build rural rental housing for very low income tenants. Our support for 515 has decreased in recent years—there has been a 73 percent reduction since 1994—which has had two effects. It is practically impossible to build new rental housing, and our ability to preserve and maintain the current stock of Section 515 units is hobbled. Fully three-quarters of the Section 515 portfolio is more than 20 years old. Currently $60 million of the $115 million appropriation in fiscal year 2000 is used to preserve existing stock.

The time has come for us to take a new look at a critical problem facing rural America. How can we best work to promote the development of quality rental housing for low-income people in rural America? My colleagues and I believe that to answer this question, we must comply with certain basic principles. We do not want to create yet another program with a large federal bureaucracy. We want a program that is flexible, that fosters public-private partnerships, that leverages federal funding, and that is locally controlled. We believe that the Rural Rental Housing Act of 2000 satisfies these principles and will help move us in the direction of ensuring that everyone in America, including those in rural areas, have access to affordable, quality housing options.

Mr. President, I request that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3228

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Rural Rental Housing Act of 2000''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) There is a pressing and increasing need for rental housing for rural families and senior citizens:

(A) Two-thirds of extremely low-income and very low-income rural households do not have access to affordable rental housing units.

(B) More than 900,000 rural rental households (10.4 percent) live in either severely or moderately inadequate housing.

(C) Substandard housing is a problem for 547,000 rural renters, and approximately 165,000 rural rental units are overcrowded.

(2) Many rural United States households live with serious housing problems, including a lack of basic water and wastewater services, structural insufficiencies, and overcrowding:

(A) 28 percent, or 10,400,000, rural households in the United States live with some kind of serious housing problem.

(B) Approximately 1,000,000 rural renters have multiple housing problems.

(C) An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

(3) One-third of all renters in rural America are paying more than 30 percent of their income for housing:

(A) 20 percent of rural renters pay more than 50 percent of their income for housing.

(B) 92 percent of all rural renters with significant housing problems pay more than 50 percent of their income for housing costs, and 60 percent paying more than 70 percent of their income for housing.

(4) Rural economies are often less diverse, and therefore, jobs and economic opportunity are limited:

(A) Factors existing in rural environments, such as remoteness and low population density, lead to limited access to many forces driving the economy, such as technology, lending, and investment.

(B) Local expertise is often limited in rural areas where the economies are focused on farming and/or natural resource-based industries.

(5) Rural areas have less access to credit than metropolitan areas:

(A) Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment.

(B) Often, credit that is available is insufficient, leading to the need for interim or bridge financing.

(C) Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

(6) The Federal Government investment in rural rental housing has dropped during the last 10 years, as—

(A) Federal spending for rural rental housing has been cut by 73 percent since 1994; and

(B) Rural rental housing unit production financed by the Federal Government has been reduced by 88 percent since 1990.

(7) To address the scarcity of rural rental housing, the Federal Government must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private sector, including nonprofit organizations.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ELIGIBLE RURAL AREA.—The term ''eligible rural area'' means a rural area with a population of not more than 25,000, as determined by the most recent decennial census of the United States, and located outside an urbanized area.

(2) ELIGIBLE PROJECT.—The term ''eligible project'' means a project for the acquisition, rehabilitation, or construction of rental housing and related facilities in an eligible rural area for occupancy by low-income families.

(3) ELIGIBLE SPONSOR.—The term ''eligible sponsor'' means a public agency, an Indian tribe, a for-profit corporation, or a private nonprofit corporation—

(A) a purpose of which is planning, developing, or managing housing or community development projects in rural areas; and

(B) that has a record of accomplishment in housing or community development and meets other criteria established by the Secretary by regulation.

(4) LOW-INCOME FAMILIES.—The term ''low-income families'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(5) QUALIFIED INTERMEDIARY.—The term ''qualified intermediary'' means a State, a State agency designated by the Governor of the State, a private nonprofit community development corporation, a nonprofit housing corporation, a community development loan fund, or a community development credit union, that—

(A) has a record of providing technical and financial assistance for housing and community development activities in rural areas; and

(B) has a demonstrated technical and financial capacity to administer assistance made available under this Act.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) STATE.—The term ''State'' means the States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

**SEC. 4. RURAL RENTAL HOUSING ASSISTANCE.**

(a) IN GENERAL.—The Secretary may, directly or through 1 or more qualified intermediaries in accordance with section 5, make assistance available to eligible sponsors in the form of loans, grants, interest subsidies, annuities, and other forms of financing assistance, to finance the eligible projects.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, an eligible sponsor shall submit to the Secretary, or a qualified intermediary an application in such form and containing such information as the Secretary shall require by regulation.

(2) AFFORDABILITY RESTRICTION.—Each application under this subsection shall include a certification by the applicant that the house to be acquired, rehabilitated, or constructed with assistance under this section will remain affordable for low-income families for not less than 30 years.

(c) PRIORITY FOR ASSISTANCE.—In selecting among applicants for assistance under this section, the Secretary, or a qualified intermediary, shall give priority to providing assistance to eligible projects—

(1) for very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)); and

(2) in low-income communities or in communities with a severe lack of affordable rental housing, in eligible rural areas, as determined by the Secretary; or

(3) applications submitted by public agencies, Indian tribes, private nonprofit corporations or limited dividend corporations in which the general partner is a non-profit entity whose principal purposes include planning, developing and managing low-income housing and community development projects.

(d) ALLOCATION OF ASSISTANCE.—In carryout out this section, the Secretary shall allocate assistance among the States, taking into account the incidence of rural substandard housing and rural poverty in each State and the State's share of the national total of such indices.

(e) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), assistance made available under this Act may not exceed 50 percent of the total cost of the eligible project.

(2) EXCEPTION.—Assistance authorized under this Act shall not exceed 75 percent of the total cost of the eligible project, if the project is for the acquisition, rehabilitation, or construction of not more than 20 rental housing units for use by very low-income families.

**SEC. 5. DELEGATION OF AUTHORITY.**

(a) IN GENERAL.—The Secretary may delegate authority for distribution of assistance to one or more qualified intermediaries in the State. Such delegation shall be for a period of not more than 3 years, and shall be subject to renewal, in the direction of the Secretary, for 1 or more additional periods of not to exceed 3 years.

(b) SOLICITATION.—

(1) IN GENERAL.—The Secretary may, in the discretion of the Secretary, solicit applications from qualified intermediaries for a delegation of authority under this section.

(2) CONTENTS OF APPLICATION.—Each application under this subsection shall include—

(A) a certification that the application will—

(i) provide matching funds from sources other than this Act in an amount that is not less than the amount of assistance provided to the applicant under this section; and

(ii) distribute assistance to eligible sponsors in the State in accordance with section 4; and

(B) a description of—

(i) the State or the area within a State to be served;

(ii) the incidence of poverty and substandard housing in the State or area to be served;

(iii) the technical and financial qualifications of the applicants; and

(iv) the assistance sought and a proposed plan for the distribution of such assistance in accordance with section 4.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act $250,000,000 for each of fiscal years 2001 through 2005.

Mr. LEAHY. Mr. President, I rise today to offer my support for the Rural Rental Housing Act of 2000. This bill takes a much needed step toward reestablishing the federal government's commitment to quality affordable housing in rural areas and I am proud to be a cosponsor of this legislation.

The need for a new federal matching grant program to encourage the production, rehabilitation and acquisition of rural rental housing has never been more evident than it is today. Families across the country in small towns, where property is often high and resources scarce, are finding themselves with fewer and fewer options for a safe and affordable place to live. In my home state of Vermont, like many other states across the country, we are in the middle of an affordable housing crisis. Housing costs are soaring and rental vacancy rates are alarmingly low. For those fortunate enough to find an apartment it is increasingly difficult to afford the rent that the market demands. Recent studies suggest that while the need for rental units continues to grow in Vermont, estimated production levels are drastically inadequate to meet demand.

Despite this trend, the federal government has consistently scaled back their commitment to production and rehabilitation of rental housing. Rural rental production has dropped nearly 88% since 1990, and the funding for subsidized housing has fallen by 73% since 1994. This decline has made it difficult to produce new housing and maintain the current obligations and existing stock. In Vermont roughly 4,091 rental units were produced with federal assistance between 1976 and 1985, but during the next ten years this number fell to under two thousand—nearly half of what was produced the decade before, despite the rising need.

Nationally it is estimated that 2.6 million households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity. Unfortunately, rural areas often have less appeal for investment from financial institutions and are often isolated from social services that are more accessible in urban areas to help address these problems.

The Rural Rental Housing Act will provide $250 million dollars for a matching federal grant program to be administered by the United States Department of Agriculture to address this situation. These funds will complement existing programs run by the Rural Housing Service at USDA and will be used in a variety of ways to increase the supply, the affordability, and the quality of housing for the most needy residents, the lowest income families and the elderly. Most importantly the program is designed to be administered at the state and local level and to encourage public-private partnerships to best address the unique needs of each state.

I encourage my colleagues to support this legislation and am committed to work with Senator EDWARDS to reintroduce this bill in the 107th Congress.

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Mr. KERREY:

S. 3229. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the cost of certain equipment

used to convert public television broadcasting from analog to digital transmission; to the Committee on Finance.

TO ESTABLISH A TAX CREDIT FOR PUBLIC TELEVISION DIGITAL TRANSMISSION CONVERSIONS

Mr. KERREY. Mr. President, we often use the tax code as a tool to reward certain taxpayer behaviors. Today, I am pleased to introduce a bill that would reward the behavior of individuals or groups who step forward to help finance the digital transmission conversions of the 348 public television stations across the United States.

Mr. President, public television is an extremely important public good, which brings creative, non-commercial TV programming of the highest quality to citizens in all 50 states, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa. Public television is available to 99 percent of American homes—and serves nearly 100 million people each week.

Throughout the U.S., 171 non-commercial, educational licensees operate 348 PBS member stations. Of the 171 licensees, 87 (51%) are community organizations, 55 (32%) are colleges or universities, 21 (12%) are state authorities and 8 (5%) are local educational or municipal authorities.

As my colleagues may remember, regulations promulgated by the FCC, pursuant to the Telecommunications Act of 1996, require all public television stations to convert their analog transmission equipment and systems to digital transmission by May 1, 2003. This is a very expensive—though important—Federal government mandate. The mandate is particularly burdensome for public television stations because, as non-profit entities, they rely primarily on the charitable donations of their viewers for financial sustenance.

In some states, all of the public television transmission equipment is operated and managed by an umbrella organization. In Nebraska, for example, Nebraska Educational Telecommunications (NET) operates nine transmitters and seventeen translators across the state. The cost of simultaneously replacing all of this equipment in a large, but sparsely populated, state is particularly burdensome.

I have been working with public broadcasters in the State of Nebraska to reduce the financial burden imposed by this government mandate. The legislation I am introducing today is the product of our discussions.

This legislation will provide a tax credit to individuals or groups that provide funding for the purchase or construction of qualified conversion equipment for a qualified public TV digital conversion project. Qualified conversion equipment would include: transmission towers, transmission equipment, production equipment (including cameras, recorders, software and editing systems), retransmission equipment, and transformers. The proposed tax credit is equal to the full cost of the conversion equipment, but the taxpayer will be limited to 1/6th of the credit each year over a six-year period. The individuals or groups who fund these conversions would not be able to charge rents for use of the equipment or claim depreciation for the equipment—the tax credit would be the sole benefit.

I am confident that citizens and groups across the United States would take advantage of this tax credit for the benefit of their local public television stations. While time is running out for action on this legislation during the 106th Congress, I am hopeful that the 107th Congress will work together with the next Administration to alleviate the financial burden on public television stations through the enactment of this legislation.

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Mr. KYL (for himself and Mr. MCCAIN):

S. 3231. A bill to provide for adjustments to the Central Arizona Project in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA WATER SETTLEMENTS ACT OF 2000

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the largest water claims settlement in the history of Arizona. The affected parties have been negotiating for several years, and they are getting very close to finalizing these settlement agreements. They still have much work to do; but I am confident that a comprehensive settlement of these issues will be achieved. Therefore, we are introducing this bill today so that all interested Arizonans and others can have time to analyze the proposed language and make suggestions for changes that will enable us to submit a consensus bill early in the next session of Congress.

There are a few major issues that have not been resolved. To the extent that the parties are close to agreement on certain issues, we have included language in the bill that attempts to capture the essence of where the negotiations stand at the moment. For example, although differences remain, the parties are relatively close to agreement on the process to be followed in negotiating intergovernmental agreements. The legislation will have to be changed, therefore, before it is reintroduced in the next Congress, to precisely reflect the agreement reached between the parties. In addition, the timing of the waivers to be issued by the Gila River Indian Community is tied to, among other things, a transfer of a minimum amount of federal funds from the Lower Colorado River Basin Development Fund into the Gila River Indian Community Settlement Development Trust Fund. The relevant parties recognize that the settlement agreement needs more definition of uses of the funds and the precise timing of the transfers, and that the ultimate legislative language will reflect that consensus.

There are other issues that have not been resolved. For example, Section 213 of the bill has been left open for the resolution of the ''Upper Gila Valley'' (including the City of Safford) issues. Those negotiations are continuing, but have not progressed enough to produce language that can be included in this version of the bill. In addition, Title IV of the bill has been left open for a possible settlement of the claims of the San Carlos Apache Tribe. We will work with the parties over the next few months to ensure that, prior to its reintroduction next year, the bill is modified to reflect the ultimate resolution of these issues. Of course, if those parties choose to litigate their differences, rather than settle them by negotiation, we will not include titles for them in the final bill.

Mr. President, I am submitting for the RECORD a statement supporting this legislation signed by all eight members of the Arizona Congressional delegation. I am also submitting a letter of support from Arizona Governor Jane Dee Hull. I ask unanimous consent that these statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE ARIZONA CONGRESSIONAL DELEGATION REGARDING THE ARIZONA WATER SETTLEMENTS ACT OF 2000, OCTOBER 24, 2000

We are pleased to announce that legislation was introduced today to resolve issues relating to the repayment obligations of the State of Arizona for construction of the Central Arizona Project (CAP), allocation of remaining CAP water (including the use of nearly 200,000 acre-feet of water to satisfy the water rights claims of the Gila River Indian Community, the Tohono O'odham Nation, and other Arizona Indian tribes), and other issues, including final settlement of all claims to waters of the Gila River and its tributaries.

Legislation is needed to codify several aspects of the settlement of these various water related issues. Although not all water users have reached agreement on all issues, negotiations are continuing at a rapid pace. We, therefore, expect that all of the remaining differences will be resolved and settlement agreements will be signed by the parties in the next two months. When final agreements are signed, we intend to introduce the final version of legislation to effectuate those settlements. In the meantime, we have introduced this first version of legislation to demonstrate our commitment to the settlement process, and to allow all interested parties the time to suggest changes to precisely reflect the terms of the settlement.

One of the purposes of this legislation is to implement the settlement (in lieu of adjudication) of all of the water rights claims to the Gila River and its tributaries. Once this legislation is enacted, and the presiding judge approves the settlement, water litigation over rights to the waters of the Gila River, which has been ongoing since 1978, will be terminated. Resolution of this case, and of other issues addressed in the settlement agreements, will help to ensure that there is a more stable and certain water supply for the various water users. This is a significant benefit to the citizens of Arizona, the tribes, and the United States.

The legislation will also resolve several issues. For example, it will effectuate a settlement of litigation between the state and federal government over the state's repayment obligation for construction of the Central Arizona Project. It also amends the Colorado River Basin Project Act of 1968 to authorize the Secretary of the Interior to expend funds from the Lower Colorado River Basin Development Fund to construct irrigation distribution systems to deliver CAP water to the Gila River Indian Community and other CAP water users.

In addition, this legislation authorizes the reallocation of 65,647 acre-feet of CAP water for use by Arizona communities, and the reallocation of nearly 200,000 acre-feet for the settlement of Indian water claims.

We compliment the parties for their hard work and their commitment to resolving these difficult and sometimes contentious issues. We hope and expect that all parties will continue to negotiate in good faith to resolve the remaining issues.

Since the parties have not yet completed their negotiations, this bill is, of necessity, also a work in progress. We point out that some of the provisions in the bill may have to be modified (e.g. Section 207 has not been totally agreed to by all interested parties), and other provisions will have to be added (e.g. resolution of conflicts involving water users in the Upper Gila Valley, the City of Safford, and the San Carlos Apache Tribe).

We note that, while Interior staff have been active in the ongoing negotiations and have served on the committees drafting the bill, the Department of the Interior has not had an opportunity to vet some sections of this draft prior to its introduction. One reason for introducing this bill now rather than waiting until the final settlement agreement has been completed, is to enable Secretary Babbitt to analyze and comment upon the draft legislation before he leaves office in January. Secretary Babbitt has been a major participant in the negotiations over the last two years; and his input into the final legislation will be very important to the successful conclusion of the process.

In summary, our intention is to initiate public discussion of the issues and elicit constructive comments on this bill. Our plan is to reintroduce a modified form of this bill early in the 107th Congress. We expect that the necessary settlement agreements will be complete and signed prior to reintroduction. In relation to the Gila River Indian Community Settlement, we expect that all of the participants named in the attached list will support the settlement agreement, and the implementing legislation. Section 213 has been left open for additional parties to the agreement.

We hope that agreement can be reached to settle the claims of the San Carlos Apache Tribe. Title IV has been left open for this purpose. However, if the San Carlos Tribe cannot reach agreement with the other parties, including the United States, it is our intention to proceed without Title IV. A separate San Carlos settlement will have to be pursued at a later date.

We pledge our continuing effort to work with the parties to successfully conclude these historic settlements.

John McCain, U.S. Senator; Bob Stump, Member of Congress, Jon Kyl, U.S. Senator; Jim Kolbe, Member of Congress; Ed Pastor, Member of Congress; Matt Salmon, Member of Congress; J.D. Hayworth, Member of Congress; John Shadegg, Member of Congress.

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SETTLEMENT PARTICIPANTS

Gila River Indian Community.

United States—Department of the Interior; Department of Justice.

State of Arizona/Arizona Department of Water Resources.

Central Arizona Water Conservation District.

Salt River Project.

Roosevelt Water Conservation District.

ASARCO.

Phelps Dodge.

City of Mesa.

City of Chandler.

City of Scottsdale.

City of Peoria.

City of Glendale.

City of Phoenix.

Maricopa Stanfield Irrigation and Drainage District.

Central Arizona Irrigation and Drainage District.

San Carlos Irrigation and Drainage District.

Town of Coolidge.

Hohokam Irrigation and Drainage District.

Gila Valley Irrigation District.

Franklin Irrigation District.

City of Safford.

Town of Kearney.

Graham County Utilities.

Arizona State Land Department.

Arizona Water Company.

City of Tempe.

Arizona Game and Fish.

City of Casa Grande.

Town of Gilbert.

Town of Florence.

Town of Duncan.

Buckeye Irrigation Company.

Roosevelt Irrigation District.

New Magma Irrigation and Drainage District.

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STATE OF ARIZONA,
*October 11, 2000.*

Hon. JON KYL,
*U.S. Senate, Hart Office Building, Washington, DC.*

DEAR SENATOR KYL: I commend you for the introduction of the draft legislation the Arizona Water Settlements Act of 2000. This bill will maintain the momentum toward the completion of negotiations on difficult water issues concerning the Central Arizona Project, the Gila River Indian Community, the Tohono O'odham Nation, and the San Carlos Apache Tribe.

The Central Arizona Project is the lifeblood of Arizona. Confirming the repayment settlement between the United States and the Central Arizona Water Conservation District will benefit all of Arizona's taxpayers. Confirming the agreement between the Secretary of the Interior and the Arizona Department of Water Resources on the allocation of CAP water will provide for Arizona's future.

It is my understanding that when this legislation is reintroduced in the next congressional session, the parties will approve the Gila River Indian Community settlement agreement. The Governor of the State of Arizona has traditionally been a signatory to Indian water rights settlements and I expect to be a signatory to the Gila settlement. However, I want to emphasize that I will only support a complete settlement of the Gila River Indian Community claims. For example, the economic well being of the upper Gila River Valley communities and agricultural interests is of great interest to the State of Arizona. I understand that much work remains to revolve these upper valley issues and I urge all the participants to reach an agreement as part of the overall settlement.

Again, I commend your efforts to move the process along, and I look forward to our continued work together on Arizona water resource issues.

Sincerely,

JANE DEE HULL,
*Governor.*

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator KYL, as a co-sponsor to this important legislation, the Arizona Water Settlements Act of 2000, to ratify a negotiated settlement for Central Arizona Project water allocations to municipalities, agricultural districts and Indian tribes in the state of Arizona. This settlement reflects extensive negotiations by state, federal, and tribal parties.

Let me begin by commending the extraordinary commitment and diligence by all parties involved in these negotiations to reach this pivotal stage in the settlement process, which as I understand is near conclusion. I also praise my colleague, Senator JON KYL, and the Interior Secretary, Bruce Babbitt, for their front-line leadership in facilitating the settlement process. From my previous role in legislating past agreements, I recognize how challenging these negotiations can be, and I appreciate their personal commitment to this settlement process.

This legislation is vitally important to Arizona's future because it will finally bring certainty and stability to Arizona's water supply by completing the final adjudication of the Gila River. Repayment obligations of the state of Arizona for construction of the Central Arizona Project (CAP) will be addressed as part of this bill. Pending water rights claims to the Gila River and its tributaries by various Indian tribes and non-Indian users will be permanently settled and allocated.

I join Senator KYL, and the rest of the Arizona delegation, in sponsoring companion bills today to express our strong support for continuation and conclusion of this settlement process. While much of the negotiations have successfully resulted in consensus language among the various parties, it is important to emphasize that this bill does not reflect the final settlement agreement. All parties recognize that the provisions of this bill are likely to change as the negotiations continue and additional parties settle remaining claims. We fully expect that settlement negotiations will continue with a final agreement ratified in the 107th congressional session.

Mr. President, my sponsorship of this bill indicates my strong support for the settlement process and I expect that further negotiations will be carried out in good-faith among all parties. However, I want to be clear that my support today is not a full endorsement of all the provisions in this preliminary bill.

This is a particularly important point as several provisions in this bill are not typical of language included in past Indian water settlement agreements ratified by the Congress. These noted provisions are intended to prescribe future off-reservation Indian trust land acquisitions for the Gila River Indian Community, one of the primary Indian parties to the settlement. Inclusion of these provisions is

intended to address water management concerns of the state in the event that the tribe removes lands from either public or private use to be added into federal Indian trust land status.

Mr. President, Indian trust land acquisitions are the subject of much debate nationwide. In fact, the Department of Interior has proposed modifications to its existing regulations to address many of the same concerns raised by the state parties regarding potential impacts to resource management, loss of tax revenues, or other impacts to neighboring communities. These regulations have not been finalized to date.

Despite my support for the overall settlement, I believe it unwise to include ad hoc language that applies restrictions to only one particular tribe when overall changes to the underlying federal law governing Indian trust land acquisitions have not been settled. Such modifications to federal Indian trust land policies should also be guided by the review and advice of the congressional committees of jurisdiction. I hope that continuing discussions on this matter will result in a resolution that respects both the rights of the Indian tribes and the state of Arizona, consistent with applicable laws.

Mr. President, we introduce this bill today as an expression of our commitment to the various parties to successfully achieve conclusion to this process. The Arizona Water Settlements Act will be a historic accomplishment and one that will ultimately benefit all citizens of Arizona, the tribal communities, and the United States.

## ADDITIONAL COSPONSORS

S. 1570

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1570, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to promote identification of children eligible for benefits under, and enrollment of children in, the medicaid and State Children's Health Insurance programs.

S. 2789

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2938

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3067

At the request of Mr. JEFFORDS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3145

At the request of Mr. BREAUX, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities

S. 3181

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3198

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3198, a bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes.

S. CON. RES. 138

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. RES. 340

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

## SENATE CONCURRENT RESOLUTION 155—EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE UNITED STATES SHOULD ACTIVELY SUPPORT THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU TOWARD AN IMMEDIATE AND FULL RESTORATION OF DEMOCRACY IN THAT COUNTRY

Mr. L. CHAFEE (for himself, Mr. HELMS, Mr. LEAHY, Mr. TORRICELLI, Mr. DEWINE, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the ''insufficiencies, irregularities, inconsistencies, and inequities'' documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That (a) the Congress—

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

## SENATE RESOLUTION 381—DESIGNATING OCTOBER 16, 2000, TO OCTOBER 20, 2000, AS ''NATIONAL TEACH FOR AMERICA WEEK''

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual ''Teach For America'' week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as ''National Teach For America Week''; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

## SENATE RESOLUTION 382—RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD FOR THEIR PARTICIPATION AND EFFORTS IN PROVIDING LEADERSHIP AND COMMAND AND CONTROL OF THE UNITED STATES SECTOR OF THE MULTINATIONAL STABILIZATION FORCE IN TUZLA, BOSNIA-HERZOGOVINA

Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. WARNER) introduced the following resolution; which was considered and agreed to:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

# AMENDMENTS SUBMITTED

## GUAM OMNIBUS OPPORTUNITIES ACT

### MURKOWSKI AMENDMENT NO. 4334

Mr. SMITH of New Hampshire (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes; as follows:

Strike all after the enacting clause and insert:

**''SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.**

''(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Excepts as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

''(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

''(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

''(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

''(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100–77 (42 U.S.C. 11411).

''(c) DEFINITIONS.—For the purposes of this section:

''(1) The term 'Administrator' means—

''(A) the Administrator of General Services; or

''(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

''(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or similar base closure authority.

''(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

''(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figures 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extent that the Federal Government holds title to such lands.

''(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339, 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

''(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

''(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

''(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

''(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

''(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided,* That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

''(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided,* That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

''(3) to real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

''(4) to real property on Guam that is declared excess as a result of a base closure law; or

''(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

''(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

''(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

**''SEC. 2. COMPACT IMPACT REPORTS.**

''Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

**''SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.**

''(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

''(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

(1) by striking 'or' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

(3) by adding at the end the following new paragraph:

'(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided,* That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.''.

## KORCZAK ZIOLKOWSKI POSTAGE STAMP LEGISLATION

## DASCHLE AMENDMENTS NOS. 4335–4337

Mr. SMITH of New Hampshire (for Mr. DASCHLE) proposed three amendments to the bill (S.Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: ''My fellow chiefs and I would like the white man to know that the red man has great heroes, too.'';

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

AMENDMENT NO. 4337

Amend the title so as to read: ''Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.''.

## MILITARY WORKING DOGS EUTHANIZATION TERMINATION LEGISLATION

### ROBB AMENDMENT NO. 4338

Mr. SMITH of New Hampshire (for Mr. ROBB) proposed an amendment to the bill (H.R. 5314) to require the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.**

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2582. Military working dogs: transfer and adoption at end of useful working life**

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

## SMALL WATERSHED REHABILITATION ACT OF 1999

### HARKIN AMENDMENT NO. 4339

Mr. SMITH of New Hampshire (for Mr. HARKIN) proposed an amendment to the bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws; as follows:

On page 2, line 5, strike ''1999'' and insert ''2000''.

On page 8, lines 6 and 7, strike ''no benefit-cost'' and all that follows through ''be required'' and insert ''a benefit-cost ratio greater than 1 shall not be required''.

On page 8, line 20, after the period, insert the following: ''In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.''.

On page 8, strike lines 21 through 25 and insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike ''2000 and 2001'' and insert ''2001 and 2002''.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Rhode Island (Mr. L. CHAFEE) as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000.

## UNITED STATES MINT NUMISMATIC COIN CLARIFICATION ACT OF 2000

Mr. SMITH of New Hampshire. I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5273, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5273) to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the

table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.S. 5273) was read the third time and passed.

## ROBERT S. WALKER POST OFFICE

Mr. SMITH of New Hampshire. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 3194, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3194) to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3194) was read the third time and passed, as follows:

S. 3194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.**

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the ''Robert S. Walker Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert S. Walker Post Office''.

## CALENDAR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the following legislation; further, that the Senate proceed en bloc to their consideration in the following bills at the desk: H.R. 4450, H.R. 4451, H.R. 4625, H.R. 4786, H.R. 4315, H.R. 4831, H.R. 4853, H.R. 5229.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD, with the above all occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING

The bill (H.R. 4450) to designate the facility of the United States Postal Service located at 900 East Fayette Street, Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

The bill (H.R. 4451) to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## GERTRUDE A. BARBER POST OFFICE BUILDING

The bill (H.R. 4625) to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the ''Gertrude A. Barber Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## SAMUEL P. ROBERTS POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. Roberts Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## LARRY SMALL POST OFFICE BUILDING

The bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## ROBERTO CLEMENTE POST OFFICE

The bill (H.R. 4831) to designate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the ''Roberto Clemente Post Office'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## ARNOLD C. D'AMICO STATION

The bill (H.R. 4853) to designate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## RUTH HARRIS COLEMAN POST OFFICE BUILDING

The bill (H.R. 5229) to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office Building'', which had been discharged from the Committee on Governmental Affairs, was considered, ordered to a third reading, read the third time, and passed.

## GUAM LAND RETURN ACT

Mr. SMITH of New Hampshire. I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2462, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4334

(Purpose: To amend the Guam Omnibus Opportunities Act)

Mr. SMITH of New Hampshire. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MURKOWSKI, proposes an amendment numbered 4334.

The amendment is as follows:

Strike all after the enacting clause and insert:

**''SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.**

''(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the 'Property Act'), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

''(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the

property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

''(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

''(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of two (2) years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

''(3) All transfer of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code or section 501 of Public Law 100–77 (42 U.S.C. 11411).

''(c) DEFINTIONS.—For the purposes of this section:

''(1) The term 'Administrator' means—

''(A) the Administrator of General Services; or

''(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

''(2) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101.510), or similar base closure authority.

''(3) The term 'excess real property' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

''(4) The term 'Guam National Wildlife Refuge' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the 'Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993' to the extend that the federal government holds title to such lands.

''(5) The term 'public purpose' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339. 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a non-discriminatory basis.

''(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

''(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

''(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

''(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward and agreement providing for the future ownership and management of such real property.

''(B) If the parties reach and agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

''(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

''(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

''(3) to real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act;

''(4) to real property on Guam that is declared excess as a result of a base closure law; or

''(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

''(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

''(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

**''SEC. 2. COMPACT IMPACT REPORTS.**

''Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting 'President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.' and inserting in lieu thereof, 'Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decenial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.'.

**''SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.**

''(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance and services of the United States, to the extent that such programs, grant assistance and services are provided to states and local governments of the United States and residents of such states, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

''(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 143a(a)) is amended—

''(1) by striking 'or' at the end of paragraph (5);

''(2) by striking the period at the end of paragraph (6) and inserting '; or'; and

''(3) by adding at the end the following new paragraph:

'' '(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.'.''.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, as amended, and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4334) was agreed to.

The bill (H.R. 2462), as amended, was read the third time and passed.

## COMMENDING ARCHBISHOP DESMOND TUTU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 31, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 31) commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 31) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 31

Whereas the Immortal Chaplains Prize for Humanity was established by the Immortal Chaplains Foundation to honor the memory of the four ''Immortal Chaplains'' of World War II, Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; Lieutenant John P. Washington, Catholic; and Lieutenant Clark V. Poling, Dutch Reformed;

Whereas witnesses have verified that during the approximate 18 minutes the United States Army transport Dorchester was sinking on February 3, 1943, after being torpedoed off the coast of Greenland, the four chaplains went from soldier to soldier calming fears and handing out life jackets and guiding men to safety and when there were no more life jackets, they removed their own life jackets and gave them to others to save their lives and were last seen arm-in-arm in prayer on the hull of the ship;

Whereas many of the 230 men who survived owed their lives to these four chaplains, and witnesses among them recounted the unique ecumenical spirit and love for their fellow man these four demonstrated;

Whereas the Immortal Chaplains Prize for Humanity was created to ensure that the spirit of these Chaplains is celebrated through a living memorial to be awarded to those who have been willing to put their lives in danger to grant assistance to persons of a different creed or color;

Whereas Archbishop Desmond Tutu served as Chairman of the Truth and Reconciliation Commission in South Africa, which performed a historical role and set a precedent in revealing the truth about atrocities committed in the past and providing the means of a peaceful resolution for the pain suffered by that nation;

Whereas Archbishop Desmond Tutu continues to defend the rights of the downtrodden of many nations, exhibiting compassion to those of different races and religious beliefs; and

Whereas it is proper and desirable to recognize that Archbishop Desmond Tutu's actions are in keeping with the spirit of the ''Immortal Chaplains'': Now, therefore, be it

*Resolved,* That the Senate commends Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity.

## NATIONAL TEACH FOR AMERICA WEEK

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381, submitted earlier today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 381) designating October 16, 2000, to October 20, 2000, as ''National Teach For America Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual ''Teach For America'' week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as ''National Teach For America Week''; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

## NATIONAL CHILDREN'S MEMORIAL DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 340, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) designating December 10, 2000, as ''National Children's Memorial Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

*Resolved,*

**SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.**

The Senate—

(1) designates December 10, 2000, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

## REFERRAL OF S. 1456, FOR RELIEF OF ROCCO A. TRECOSTA, TO CHIEF JUDGE OF U.S. COURT OF FEDERAL CLAIMS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 231, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 231) referring S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' to the chief judge of United States Court of Federal Claims for a report thereon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 231

*Resolved*,

**SECTION 1. REFERRAL.**

S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

**SEC. 2. PROCEEDING AND REPORT.**

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Rocco A. Trecosta of Fort Lauderdale, Florida.

## RECOGNIZING THE LATE BERNT BALCHEN FOR HIS MANY CONTRIBUTIONS TO THE UNITED STATES ON THE CENTENARY OF HIS BIRTH

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 36, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 36) recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 36) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 36

Whereas Bernt Balchen, as co-pilot and navigator with Floyd Bennett and under the sponsorship of Joseph Wanamaker, flew the Ford trimotor monoplane ''Josephine Ford'' on a flying tour to more than 50 American cities in 1926, thereby promoting commercial aviation as a safe, reliable, and practical means of transport;

Whereas in 1927 Bernt Balchen, piloting the first flight to carry United States mail over the Atlantic Ocean, flew the aircraft ''America'' to France under weather conditions so adverse that he was forced to set the aircraft down in the surf off Normandy at night, a maneuver that he executed so skillfully that he saved all on board the aircraft;

Whereas on November 29, 1929, Bernt Balchen, while participating in the first expedition of Admiral Richard Evelyn Byrd to Antarctica, became the first pilot to fly a plane over the South Pole;

Whereas Bernt Balchen was indispensable to the success of various American expeditions in Antarctica under the leadership of Admiral Byrd and Lincoln Ellsworth;

Whereas Bernt Balchen, under secret conditions and in record time, was responsible for building in Greenland in the autumn of 1941 the air base Sondre Stromfjord, then known as ''Bluie West Eight'', that was used for ferrying warplanes to Europe;

Whereas Bernt Balchen, as commander of ''Bluie West Eight'' between September 1941 and November 1943, provided his personnel with training in cold weather survival skills and rescue techniques which enabled them to carry out many spectacular rescues of downed airmen on the Greenland icecap;

Whereas Bernt Balchen, on May 7, 1943, successfully led a bombing raid that destroyed the sole German post in Greenland, a weather station and antiaircraft battery on the east coast of Greenland, thereby hindering the ability of the German armed forces to predict weather patterns in the North Atlantic and Europe;

Whereas Bernt Balchen, between March and December 1944, commanded an air transport operation that safely evacuated from Sweden at least 2,000 Norwegians, 900 American internees, and 150 internees of other nationalities and transported strategic freight and numerous important diplomats and Armed Forces officers;

Whereas Bernt Balchen, between July and October 1944, commanded a clandestine air transport operation that transported 64 tons of operational supplies from Scotland to occupied Norway in defiance of severe enemy opposition;

Whereas Bernt Balchen, between November 1944 and April 1945, commanded a clandestine air transport operation that, again in defiance of severe enemy opposition, transported from England to Sweden 200 tons of arctic equipment and operational supplies that were used to make clandestine overland transport from Sweden to Norway possible;

Whereas Bernt Balchen, during the winter of 1945, made C–47 aircraft under his command available to transport into northern Norway the communications facilities that thereafter transmitted from Norway intelligence of inestimable value to the Allied Expeditionary Force;

Whereas Bernt Balchen, as one of the founders of the Scandinavian Airlines System, pioneered commercial airline flight over the North Pole, which increased business development in Alaska and shortened the flying time necessary for international flights between the United States and points in Europe and Asia;

Whereas Bernt Balchen, from November 1948 to January 1951, commanded the 10th Rescue Squadron of the United States Air Force, which was headquartered in Alaska but ranged across the entire northern tier of North America rescuing downed airmen, and led the squadron in the development of the techniques that are now universally used in cold weather search and rescue operations;

Whereas Bernt Balchen was the individual primarily responsible for the pioneering and development of the strategic air base at Thule, Greenland, which was built secretly in 1951 under severe weather conditions and which, by extending the range of the Strategic Air Command, increased the capabilities that made the Strategic Air Command a significant deterrent to Soviet aggression during the Cold War;

Whereas Bernt Balchen, as Assistant for Arctic Activities in the Directorate of Operations of the United States Air Force, rendered expert advice on the development of concepts, procedures, and programs pertaining to the Arctic that have been consistently utilized by other agencies in planning Arctic projects and operations of national and international interest;

Whereas Bernt Balchen served brilliantly as an officer in the United States Air Force and contributed immeasurably to the mission of the Air Force and the security of the United States;

Whereas the International Aviation Snow Symposium, of which Bernt Balchen was a founder and honorary chairman, established in 1976 the Balchen Award that is presented annually to recognize excellence in the performance of airport snow and ice removal, is sought avidly by the managers of airports of all categories in the United States and Canada, and has successfully encouraged progressive improvement in cold weather airport safety and air travel;

Whereas the United States Government has awarded Bernt Balchen the Byrd Antarctic Expedition Congressional Medal, the Distinguished Service Medal, the Distinguished Flying Cross, the Legion of Merit, the Soldier's Medal, and the Air Medal, and other governments and societies have awarded Bernt Balchen various other medals and awards in recognition of his patriotism and remarkable achievement in aviation;

Whereas Bernt Balchen, a native of Norway who became a citizen of the United States on November 5, 1931, before a Federal judge in Hackensack, New Jersey, and entered the military service of the United States in the United States Army Air Corps on September 5, 1941, at all times furthered the cordial relationship between the United States of America and the Kingdom of Norway, one of America's most-cherished allies;

Whereas Bernt Balchen was buried with full military honors at Arlington National Cemetery on October 23, 1973; and

Whereas October 23, 1999, is the 100th anniversary of the birth of Bernt Balchen and is being observed as such in many commemorative events taking place in the United States and Norway: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the late Bernt Balchen is hereby recognized for his extraordinary service to the United States, including the national security.

## NATIONAL SURVIVORS OF SUICIDE DAY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 339, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 339) designating November 18, 2000, as ''National Survivors of Suicide Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, hundreds of thousands of people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

*Resolved,* That the Senate—

(1)(A) designates November 18, 2000, as ''National Survivors of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

## EXPRESSING THE SENSE OF CONGRESS SUPPORTING THE ASPIRATIONS OF THE DEMOCRATIC POLITICAL FORCES IN PERU

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 155, submitted earlier today by Senator CHAFEE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 155) expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political forces in Peru toward an immediate and full restoration of democracy in that country.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 155) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 155

Whereas democracy in Peru suffered a severe setback when the Government of Peru, headed by President Alberto Fujimori, manipulated democratic electoral processes and failed to establish the conditions for free and fair elections—both for the April 9, 2000, election and the May 28, 2000, run off—by not taking effective steps to correct the ''insufficiencies, irregularities, inconsistencies, and inequities'' documented by the Organization of American States (OAS) and other independent election observers;

Whereas the absence of free and fair elections in Peru has further undermined democracy in that country and constitutes a major setback for the Peruvian people and for democracy in the Hemisphere; and

Whereas the fate of Peruvian democracy is a matter that should be decided upon by the people of Peru: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That (a) the Congress—

(1) supports efforts toward restoring democracy in Peru, including the shortening of the term of Alberto Fujimori, the recent call for new elections, and the decision to deactivate the National Intelligence Service (SIN);

(2) is concerned that the same elements which have systematically undermined democratic institutions in Peru and which manipulated the electoral process in April and May 2000 remain in power and are in a position to manipulate the upcoming electoral process; and

(3) supports the efforts of Peruvian democratic civil society to create the necessary conditions for free and fair elections, including improving respect for human rights, the rule of law, the independence and constitutional role of the judiciary and the national congress, and freedom of expression and of the independent media.

(b) It is the sense of Congress that—

(1) it should be the policy of the United States to actively support the aspirations of the democratic political forces in Peru for a credible transition toward the full restoration of democracy and the rule of law in Peru, headed by leaders who are committed to democracy and who enjoy the trust of the Peruvian people;

(2) it should be the policy of the United States to work with the international community, including the OAS, to assist democratic forces in Peru in restoring democracy to their country;

(3) the Government of Peru should establish a fully independent and credible election authority and should end all interference with freedom of speech and the media;

(4) the Government of Peru should fully implement the recently enacted law deactivating the SIN and the United States Government should oppose all elements of the Government of Peru that continue to subvert Peruvian democracy; and

(5) the United States Government should cooperate fully with any credible investigation of narcotics or arms trafficking by officials of the Government of Peru.

## RECOGNIZING AND COMMENDING THE PERSONNEL OF THE 49TH ARMORED DIVISION OF THE TEXAS ARMY NATIONAL GUARD

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 382, submitted earlier today by Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 382) recognizing and commending the personnel of the 49th Armored Division of the Texas Army National Guard for their participation and efforts in providing leadership and command and control of the United States sector of the Multinational Stabilization Force in Tuzla, Bosnia-Herzegovina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas the personnel of the 49th Armored Division, Texas Army National Guard, provided command and control of Regular Army forces and an 11-nation multinational force in the American sector of Bosnia-Herzegovina from March 7, 2000, through October 4, 2000;

Whereas the presence of the soldiers of the 49th Armored Division prolonged nearly five years of peace among ethnic Serbs, Croats, and Muslims in Bosnia-Herzegovina;

Whereas the historic deployment of elements of the 49th Armored Division marked the first time that the commander of an Army National Guard unit commanded Regular Army troops and multinational troops in Bosnia-Herzegovina;

Whereas the deployment marked the first time since the Korean War that an Army National Guard division provided command and control of Regular Army forces participating in operations overseas;

Whereas a majority of the members of the 49th Armored Division who served in Bosnia-Herzegovina volunteered for the deployment that necessitated leaving their families and their civilian jobs for eight months in order to maintain peace and stability in Bosnia-Herzegovina;

Whereas the soldiers of the 49th Armored Division were able to combine unique civilian occupational backgrounds and experience with their military skills to bring about unprecedented levels of reconstruction of destroyed homes and the resettlement of refugees;

Whereas the soldiers of the 49th Armored Division in the troubled Balkans achieved the highest level of safety demonstrated thus far in the performance of that mission, with division personnel compiling an impressive record of driving over 600,000 miles, conducting over 17,000 patrols and clearing 85 square miles of mine fields without serious injury or accident;

Whereas the 49th Armored Division's tour of duty in Bosnia-Herzegovina serves as a model for the integration of Army, Army Reserve, and Army National Guard forces in the performance of Army missions; and

Whereas the members of the 49th Armored Division involved in the mission in Bosnia-Herzegovina brought great credit upon themselves, the Army National Guard, the State of Texas, and the United States of America: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the men and women of the 49th Armored Division of the Texas Army National Guard for their contributions to the unqualified success of the Multinational Stabilization Force in Bosnia-Herzegovina during the period of their deployment;

(2) recognizes that the efforts of the men and women of the 49th Armored Division contributed immeasurably to the success of the peacekeeping in Bosnia-Herzegovina mission; and

(3) expresses deep gratitude for the sacrifices made by those men and women, their families, and their civilian employers in support of United States peacekeeping efforts in Bosnia-Herzegovina.

## HONORING SCULPTOR KORCZAK ZIOLKOWSKI

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 371, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, Senator DASCHLE has three amendments at the desk to the resolution, the preamble, and the title, and I ask unanimous consent that they be considered and agreed to in the proper sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4335, 4336, and 4337) were agreed to, as follows:

AMENDMENT NO. 4335

Strike paragraphs (1) and (2) of the resolving clause and insert the following:

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AMENDMENT NO. 4336

Strike the preamble and insert the following:

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: ''My fellow chiefs and I would like the white man to know that the red man has great heroes, too.'';

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

AMENDMENT NO. 4337

Amend the title so as to read: ''Resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski and the Crazy Horse Memorial.''.

Mr. DASCHLE. Mr. President, I am delighted that the Senate passed my resolution to urge the creation of a postage stamp honoring Korczak Ziolkowski, the visionary sculptor who began work on the Crazy Horse Memorial in the Black Hills of South Dakota over 52 years ago. I would like to take a moment to describe the man and the dream that led him to carve a mountain.

Korczak Ziolkowski was born on September 6, 1908 in Boston, Massachusetts. Orphaned at age one, he grew up in a series of foster homes and often was mistreated. Korczak later would say that his collective experiences during this difficult part of his life prepared him for sculpting the Crazy Horse memorial and enabled him to prevail over the decades of financial hardship he encountered trying to create an Indian memorial in the Black Hills.

Before coming west, Korczak was a noted studio sculptor and member of the National Sculpture Society. Although he never took a lesson in art or sculpture, his marble portrait of Polish composer and political leader Ignace Jan Paderewski won first prize by unanimous vote at the 1939 New York World's Fair. This award drew the attention of Lakota Sioux Chief Henry Standing Bear, who invited Korczak to carve a memorial to the Sioux warrior Crazy Horse in the sacred Black Hills. In his invitation letter, Chief Standing Bear wrote: ''My fellow chiefs and I would like the white man to know the red man has great heroes, too.''

In 1939, Korczak also traveled to South Dakota to assist Gutzon Borglum, the famed sculptor of Mount Rushmore. Korczak finally met Chief Standing Bear in 1941 and he learned more about Crazy Horse. He then returned to his sculpting career in New

England, but he never stopped studying the life of Crazy Horse and the Native American tribes of North America. However, a sense of duty to his country delayed his return to South Dakota. At age 34, he volunteered for service in World War II, landed on Omaha Beach and later was wounded. After the war, Korczak turned down a government commission to create war memorials in Europe to accept Chief Standing Bear's invitation. He returned to South Dakota in 1947 and dedicated the rest of his life to sculpting the Crazy Horse Memorial.

Korczak's first year in the Black Hills was spent pioneering, building a log cabin, and constructing a massive wooden staircase to the top of the mountain he would carve. Then, on June 3, 1948, the Crazy Horse Memorial was dedicated. From its inception, Korczak said that the memorial would be a nonprofit educational and cultural project for all Native Americans. The memorial would be financed solely by the interested public, not from government funds. In fact, Korczak twice turned down $10 million in federal funds because he believed the government would never complete the memorial as he envisioned it—a sprawling campus including the Indian Museum of North America and the University and Medical Training Center for the North American Indian with the massive mountain carving at its center. Carved in three dimensions, the memorial is 563 high and 641 feet long, and upon completion will be the largest sculpture in the world.

In 1950, Korczak married Ruth Ross, a volunteer at the memorial, and had 10 children, one of whom he delivered himself. Korczak soon realized that finishing the memorial would exceed one man's lifetime, so he and Ruth prepared detailed plans for the memorial's completion. Since Korczak's death on October 20, 1982, Ruth has carried out his vision. Under her leadership, the memorial continues to grow. In 1998, 50 years after the first blast on the mountain, the completed face of Crazy Horse was dedicated, and more recently, a state of the art visitors center was opened to educate visitors about the memorial. Ruth's next task is to complete work on the head of the Sioux leader's horse, which is a staggering 20 stories tall. Completing the memorial may take decades, even generations, to complete, but I am certain that under the leadership of the Ziolkowski family and the Crazy Horse Memorial Foundation it will be completed.

Korczak Ziolkowski was a humble man. From his first days on the memorial to his death, he never took salary. He always believed that, first and foremost, the Crazy Horse Memorial was for the Native Americans. I would like to close with a quote Korczak was fond of: ''When the legends die, the dreams end; when the dreams end, there is no more greatness.'' Korczak's legend did not die with him. His and Chief Henry Standing Bear's dream continues to inspire greatness today. Now, eighteen years after his death, it is my hope we can share his dream with all Americans by issuing a postage stamp in his honor.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the resolution, as amended, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 371), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux warrior Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korzcak Ziolowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas later that year, Korzcak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas while in South Dakota, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave warrior Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculptures aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, for the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the tallest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth and the Ziolkowski family have continued to work on the Memorial and to expand upon the dream of Korczak Ziolkowski; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

*Resolved*, That—

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski for his upcoming 100th birthday.

## PROTECTING SENIORS FROM FRAUD ACT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3164, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3164) to protect seniors from fraud.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3164) was read the third time and passed, as follows:

S. 3164

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Protecting Seniors From Fraud Act''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called ''mooch lists''.

(10) It is estimated that 56 percent of the names on such ''mooch lists'' are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated ''mooch lists''.

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

**SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

**SEC. 4. DISSEMINATION OF INFORMATION.**

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called ''mooch lists'' confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

**SEC. 5. STUDY OF CRIMES AGAINST SENIORS.**

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

**SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.**

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

**SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.**

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

## ADOPTION OF RETIRED MILITARY DOGS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5314, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5314) to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4338

Mr. SMITH of New Hampshire. Mr. President, I understand Senator ROBB has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. ROBB, proposes an amendment numbered 4338.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.**

(a) ADOPTION OF MILITARY WORKING DOGS.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2582. Military working dogs: transfer and adoption at end of useful working life**

''(a) AVAILABILITY FOR ADOPTION.—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog's useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

''(b) SUITABILITY FOR ADOPTION.—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit's veterinarian in making the decision regarding a dog's adoptability.

''(c) AUTHORIZED RECIPIENTS.—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

''(d) CONSIDERATION.—The transfer of a military working dog under this section may be without charge to the recipient.

''(e) LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

''(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military working dogs: transfer and adoption at end of useful working life.''.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4338) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5314), as amended, was read the third time and passed.

## CHANGING DATE FOR COUNTING ELECTORAL VOTES IN 2001

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S.J. Res. 55 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 55) to change the date for counting electoral votes in 2001.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 55) was read the third time and passed, as follows:

S.J. RES. 55

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on the 5th day of January, 2001, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

## REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 150, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) relating to the reestablishment of representative government in Afghanistan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 150

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a ''Loya Jirgah'', or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency ''Loya Jirgah'' to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the United States—

(1) supports the democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a ''Loya Jirgah'' process that would lead to the people of Afghanistan determining their own destiny through a democratic process and free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, illicit drug production, and human rights abuses in Afghanistan.

## SMALL WATERSHED REHABILITATION ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 798, S. 1762.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1762) to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4339

Mr. SMITH of New Hampshire. Senator HARKIN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. HARKIN, proposes an amendment numbered 4339.

The amendment is as follows:

On page 2, line 5, strike ''1999'' and insert ''2000''.

On page 8, lines 6 and 7, strike ''no benefit-cost'' and all that follows through ''be required'' and insert ''a benefit-cost ratio greater than 1 shall not be required''.

On page 8, line 20, after the period, insert the following: ''In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.''.

On page 8, strike lines 21 through 25 and insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

On page 9, line 3, strike ''2000 and 2001'' and insert ''2001 and 2002''.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4339) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the

bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1762), as amended, was read the third time and passed as follows:

S. 1762

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Small Watershed Rehabilitation Act of 2000''.

**SEC. 2. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.**

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

**''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.**

''(a) DEFINITIONS.—For purposes of this section:

''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include (A) protecting the integrity of the structural measure, or prolonging the useful life of the structural measure, beyond the original evaluated life expectancy, (B) correcting damage to the structural measure from a catastrophic event, (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate, (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure, or (E) decommissioning the structural measure, including removal or breaching.

''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

''(A) This Act.

''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

''(3) ELIGIBLE LOCAL ORGANIZATION.—The term 'eligible local organization' means a local organization or appropriate State agency responsible for the operation and maintenance of structural measures constructed as part of a covered water resource project.

''(4) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project.

''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to an eligible local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the eligible local organization, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

''(B) society can realize the full benefits of the rehabilitation investment.

''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should an eligible local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

''(d) PROHIBITED USE.—

''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the eligible local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the eligible local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—An eligible local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the eligible local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

''(f) JUSTIFICATION FOR REHABILITATION ASSISTANCE.—In order to qualify for technical or financial assistance under this authority, the Secretary shall require the rehabilitation project to be performed in the most cost-effective manner that accomplishes the rehabilitation objective. Since the requirements for accomplishing the rehabilitation are generally for public health and safety reasons, in many instances being mandated by other State or Federal laws, a benefit-cost ratio greater than 1 shall not be required. The benefits of and the requirements for the rehabilitation project shall be documented to ensure the wise and responsible use of Federal funds.

''(g) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all eligible local organizations. The approval process shall be in writing, and made known to all eligible local organizations and appropriate State agencies. In establishing a system of approving rehabilitation requests, the Secretary shall give requests made by eligible local organizations for decommissioning as the form of rehabilitation the same priority as requests made by eligible local organizations for other forms of rehabilitation.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $10,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—Of the amount appropriated pursuant to subsection (h) for fiscal years 2001 and 2002, $5,000,000 shall be used by the Secretary, in concert with the responsible State agencies, to conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the eligible local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

## UNITED STATES GRAIN STANDARDS ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Chair lay before the Senate a

message from the House to accompany H.R. 4788.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 4788) entitled ''An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes'', with the following House amendment to Senate amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

***SEC. 311. COTTON FUTURES.***

*Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: ''A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.''.*

***SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.***

*(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled ''Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices'', GAO/RCED–00–242, dated September 21, 2000.*

*(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—*

*(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and*

*(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.*

*(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.*

*(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.*

*(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—*

*(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and*

*(2) by inserting after section 414 the following:*

***''SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.***

*''Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—*

*''(1) assesses the general economic state of the cattle and hog industries;*

*''(2) describes changing business practices in those industries; and*

*''(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.''.*

***SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.***

*The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:*

***''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.***

*''(a) DEFINITIONS.—For purposes of this section:*

*''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.*

*''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:*

*''(A) This Act.*

*''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).*

*''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).*

*''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).*

*''(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.*

*''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—*

*''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.*

*''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.*

*''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—*

*''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and*

*''(B) society can realize the full benefits of the rehabilitation investment.*

*''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.*

*''(d) PROHIBITED USE.—*

*''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.*

*''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.*

*''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.*

*''(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.*

''(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

''(1) $5,000,000 for fiscal year 2001;

''(2) $10,000,000 for fiscal year 2002;

''(3) $15,000,000 for fiscal year 2003;

''(4) $25,000,000 for fiscal year 2004; and

''(5) $35,000,000 for fiscal year 2005.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

**SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.**

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161–DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161–DI, entitled ''Boundary Survey for South Carolina Forestry Commission'', dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225–HI, entitled ''South Carolina Forestry Commission Boardman Land Exchange'', dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

**SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.**

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

''(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.''.

**SEC. 316. PORK CHECKOFF REFERENDUM.**

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds of the Commodity Credit Corporation to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REAUTHORIZING AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO PAY COSTS OF REMOVING COMMODITIES POSING HEALTH AND SAFETY RISKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3230, introduced earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3230) to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

There being no objection, the Senate proceeded to consider the bill.

GRAIN STANDARDS REAUTHORIZATION

Mr. HARKIN. The Grain Standards Act contains the Small Watershed Rehabilitation Amendments of 2000, legislation that enables the Natural Resources Conservation Service (NRCS) to provide cost-share money for local sponsors to rehabilitate dams that were built with funding from the U.S. Department of Agriculture. Before approving a project, NRCS will examine all options, including correcting damage or deterioration of the structure, upgrading the structural measure to meet changed land use conditions or safety needs within the watershed, and decommissioning the structure. Let me ask you, Mr. Chairman, is it your understanding that even though NRCS must fully evaluate every reasonable option, if a local sponsor does not wish to choose decommissioning the local sponsor can reject that option if NRCS presents it?

Mr. LUGAR. Yes. As with any of options for rehabilitation, the local sponsor can reject NRCS' offer to provide cost-share for a particular project. also, NRCS is never required to fund a project that it believes is not justified.

Mr. HARKIN. Mr. President, I recognize that this Act is silent on the requirements of a formal cost-benefit analysis. I would like to ask you, Mr. Chairman, if it is your understanding that each project should be completed using the most-effective option possible that also has the fewest environmental costs, including the options of voluntary buy-outs of at-risk structures, wetland restoration, dam decommissioning, and dam removal?

Mr. LUGAR. Yes. Although the bill is silent on cost-benefit analysis, it is expected that NRCS will follow its normal procedures including following the ''Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.'' As part of being fiscally and environmentally responsible, NRCS should look for the most cost-effective solution with the best feasible environmental results. Further, NRCS should not fund a project if the local sponsor insists on a form of rehabilitation that does not meet these standards.

Mr. HARKIN. Under this Act, the Secretary will establish a system of approving rehabilitation requests. As part of this process, Mr. Chairman, is it correct that NRCS should give equal priority to local sponsors projects regardless of the form of rehabilitation requested?

Mr. LUGAR. Yes. The system NRCS establishes for approving a rehabilitation project should not rank projects based on the local sponsor's choice of rehabilitation, as defined in the bill.

Mr. HARKIN. The Senate has passed a substantially similar version of the Act. When the bill was reported by the Senate Agriculture Committee our report embodied the Committee's understanding of how the provisions of the bill should be carried out. Mr. Chairman, does that report still embody our understanding of the interpretation of the Small Watershed Rehabilitation Amendments of 2000?

Mr. LUGAR. Yes. Our report language should be used as legislative history of interpreting and applying this important piece of legislation.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3230) was read the third time and passed, as follows:

S. 3230

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.**

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking ''2000'' and inserting ''2003''.

**SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.**

(a) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking ''continental'' and inserting ''contiguous States of the''.

(b) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking ''at least 20 local agencies'' and inserting ''not more than 20 local agencies''.

**SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.**

(a) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by striking the section heading and all that follows through ''SEC. 17.'' and inserting the following:

**''SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.'';**

and

(2) in subsection (a)(6)(C)(ii), by striking ''and'' at the end.

(b) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(1) by striking ''(D) HEARING.—An institution'' and inserting the following:

''(D) HEARING.—

''(i) IN GENERAL.—Except as provided in clause (ii), an institution''; and

(2) by adding at the end the following:

''(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

''(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

''(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

''(III) REVIEW PROCEDURE.—The review shall—

''(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

''(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

''(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

''(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

''(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

''(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).''.

(c) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(1) in clause (iii), by striking ''all families'' and inserting ''all low-income families''; and

(2) in clause (iv), by striking ''made'' and inserting ''reported for fiscal year 1998''.

## CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 819, S. 2811.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2811) to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2811) was read the third time and passed, as follows:

S. 2811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.**

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

''(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

''(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

''(i) that is represented by—

''(I) any political subdivision of a State;

''(II) an Indian tribe on a Federal or State reservation; or

''(III) other federally recognized Indian tribal group;

''(ii) that is located in a rural area (as defined in section 381A);

''(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

''(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

''(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.''.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking ''section 306(a)(19)'' and inserting ''paragraph (19) or (20) of section 306(a)''.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Finance Committee and, further, the Senate proceed to their consideration en bloc: Joel Gerber and Stephen Swift to be Judges of the U.S. Tax Court; Thomas Saving and John Palmer to be Members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, to be Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and to be Members of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Gerald Shea and Mark Weinberger to be members of the Social Security Advisory Board, and Troy Cribb to be Assistant Secretary of Commerce.

I further ask consent that the Senate proceed to the consideration of the following nominations on the calendar: Nos. 693, 694, 756, 757, 758, and all nominations on the Secretary's desk in the Army and Coast Guard.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the

table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Gerald M. Shea, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2004.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Robert S. LaRussa.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral*

Rear Adm. (lh) Robert C. Olsen, Jr., 0000.
Rear Adm. (lh) Robert D. Sirois, 0000.
Rear Adm. (lh) Patrick M. Stillman, 0000.

ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

*To be major general*

Brig. Gen. Alexander H. Burgin, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Joseph K. Kellogg, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Jeffrey J. Schloesser, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN 1348 Army nominations (5) beginning Kirk M. Krist, and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1349 Army nominations (7) beginning James W. Lenoir, and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1350 Army nominations (9) beginning Timothy L. Bartholomew, and ending Robert E. Welch, Jr., which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1351 Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1352 Army nomination of James White, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1359 Army nominations (2) beginning Joseph C. Carter, and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of October 17, 2000

COAST GUARD

PN 1219 Coast Guard nominations (2) beginning Michael J. Corl, and ending Gregory J. Hall, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000

PN 1241 Coast Guard nominations (2) beginning Mark B. Case, and ending Robert C. Ayer, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1242 Coast Guard nominations (64) beginning Kevin G. Ross, and ending Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1368 Coast Guard nominations (41) beginning LT. CDR. Janet B. Gammon, and ending LT. CDR. Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

PN 1369 Coast Guard nominations (20) beginning CDR. Mark S. Telich, and ending CDR. Deborah A. Dombeck, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## ORDERS FOR TOMORROW

Mr. SMITH of New Hampshire. Mr. President, in closing, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 11 a.m. on Wednesday, October 25. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. to 11:45 a.m.; Senator THOMAS, or his designee, from 11:45 to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Wednesday until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. for the weekly party conferences.

The House is expected to consider the foreign operations conference report during tomorrow morning's session, and it is hoped that the Senate can begin consideration of that conference report upon reconvening at 2:15 p.m.

The Senate is also expected to have the final votes on S. 2508, the Colorado Ute Settlement Act Amendments of 2000, as well as a vote on the continuing resolution.

Therefore, Senators can expect votes during tomorrow afternoon's session.

## RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:06 p.m., recessed until Wednesday, October 25, 2000, at 11 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2000:

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

SOCIAL SECURITY ADMINISTRATION

GERALD M. SHEA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2004.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006.

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral*

REAR ADM. (LH) ROBERT C. OLSEN, JR., 0000
REAR ADM. (LH) ROBERT D. SIROIS, 0000
REAR ADM. (LH) PATRICK M. STILLMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral (lower half)*

CAPT. CHARLES D. WURSTER, 0000
CAPT. THOMAS H. GILMOUR, 0000
CAPT. ROBERT F. DUNCAN, 0000
CAPT. RICHARD E. BENNIS, 0000
CAPT. JEFFREY J. HATHAWAY, 0000
CAPT. KEVIN J. ELDRIDGE, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

GRIG. GEN. ALEXANDER H. BURGIN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOSEPH K. KELLOGG, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JEFFREY J. SCHLOESSER, 0000

IN THE ARMY

ARMY NOMINATIONS BEGINNING KIRK M. KRIST, AND ENDING ROBERT H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING JAMES W. LENOIR, AND ENDING CHARLES L. YRIARTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

ARMY NOMINATIONS BEGINNING TIMOTHY L. BARTHOLOMEW, AND ENDING ROBERT E. WELCH JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 624:

*To be major*

ANGELO RIDDICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

*To be Major*

JAMES WHITE, 0000 CH

ARMY NOMINATIONS BEGINNING JOSEPH C. CARTER, AND ENDING RAYMOND M. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2000.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING MICHAEL J. CORL, AND ENDING GREGORY J. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK B. CASE, AND ENDING ROBERT C. AYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING KEVIN G. ROSS, AND ENDING CHARLES W. RAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

COAST GUARD NOMINATIONS BEGINNING JANET B. GAMMON, AND ENDING THOMAS C. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.

COAST GUARD NOMINATIONS BEGINNING MARK S. TELICH, AND ENDING DEBORAH A. DOMBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2000.